



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 28, 2015

CBCA 4903-RELO, 4906-RELO

In the Matter of ANNA M. SANTANA

Anna M. Santana, APO Area Europe, Claimant.

David T. Crawford, Office of the Staff Judge Advocate, Military Surface Deployment and Distribution Command, Department of the Army, Scott Air Force Base, IL, appearing for Department of the Army.

WALTERS, Board Judge.

Claimant, Anna M. Santana, a civilian employee of the Department of the Army, seeks review of her agency's denial of reimbursement of her two claims for hotel parking fees totaling \$660.05 (plus a value added tax form cost of \$8.00) incurred during two periods (July 7 through September 4, 2012, and January 25 through February 23, 2013), and asserts that she is entitled to such reimbursement as part of her Temporary Quarters Subsistence Allowance (TQSA), which had been authorized in connection with permanent change of station (PCS) moves among overseas stations. For the reason enunciated below, the claims for parking fee reimbursement are denied.

Background

The Board has previously addressed and denied a claim presented by claimant relating to the same PCS moves. *See Anna M. Santana*, CBCA 3687-RELO, 14-1 BCA ¶ 35,651, *motion for reconsideration denied*, 14-1 BCA ¶ 35,763. The PCS moves in question were in two stages: claimant's transfer from a position with the Army Installation Management Command in Kaiserslautern, Germany, to a position with the Military Surface Deployment and Distribution Command (SDDC) in Stuttgart, Germany in 2012; and a later relocation of

the SDDC office from Stuttgart to Sembach Kaserne, Germany, which was delayed several times and which ultimately took place in January and February 2013.

In connection with the initial move, claimant was issued a travel authorization (TA) that authorized TQSA “not to exceed 90 days after arrival at OCONUS [outside the continental United States] PDS [permanent duty station], [in accordance with] conditions, limitations, and rates set forth in the DSSR [Department of State Standardized Regulations], Sections 120 and 925.” The TA was later amended to extend TQSA by another sixty days, to a total of 150 days, “the total maximum [of TQSA] allowed by DSSR Section 122.2.” This TA amendment extended the TQSA authorization through September 4, 2012. The previous claim sought reimbursement of certain “out-of-pocket expenses” that included \$991.87 of hotel parking fees. Because all expenses claimed as TQSA related costs were incurred beyond the 150 day maximum, i.e., after September 5, 2012, the Board found that neither it nor the agency had authority to grant claimant the amounts requested and thus denied the claim in its entirety.

After it denied claimant’s motion for reconsideration, the Board was advised that, for the office move from Stuttgart to Sembach Kaserne, claimant had been issued a second TA. Because it was not clear how claimant’s earlier claim might be apportioned between the two TAs and whether, in connection with the second TA, a DSSR provision permitting an additional sixty-day extension of TQSA authorization for “compelling reasons” might be applied so as to provide “a possible way of compensating claimant for the TQSA expenses she incurred,” the Board returned the matter to the agency for its further consideration, in light of this new information. Thereafter, claimant indicates, some relief was granted, including the payment of some amount for parking fees. None of those fees appear to be at issue here.

Discussion

Contrary to the agency’s assertion, the instant claims for parking fees were not denied by our earlier decision. As indicated above, the claims currently under consideration relate to parking fees incurred in two completely different time periods from those we addressed in that decision. The first period here falls totally within the TQSA authorization of the TA for the initial move (i.e., claimed parking fees that do not extend beyond September 4, 2012). The second period falls within the TQSA authorization under the second TA (covering the SDDC office move in early 2013). Nonetheless, we find ourselves in agreement with the agency’s position that hotel parking fees are not properly reimbursable as part of TQSA for either period, because they are unallowable “local transportation costs.” In this regard, DSSR section 125 provides for TQSA: “Expenses of local transportation and other expenses

not directly related to lodging, meals and the laundry/dry cleaning of clothes are not reimbursable under this allowance.”

Claimant argues that the hotel parking fees at issue were “directly related to lodging” and that, accordingly, they should not be disallowed as “expenses of local transportation.” The Board can understand how claimant might view those fees as incidental to her stay at the hotel. Nevertheless, precedent is unmistakable that those fees are to be classified as “local transportation” expenses, rather than as compensable subsistence related expenses. Our predecessor board in considering these matters, the General Services Board of Contract Appeals (GSBCA), made this very clear:

It is well settled that once an employee has reported for duty at the new official station and is receiving an allowance for temporary quarters subsistence expenses, non-business local transportation, including parking, may not be authorized for any purposes. *Ed Gonzalez*, GSBCA 14602-RELO, 98-2 BCA ¶ 30,041; *Brian P. Gariffa*, GSBCA 13798-RELO, 97-2 BCA ¶ 29,033. Moreover, “the cost of parking a [privately owned vehicle (POV)] at temporary quarters is a non-reimbursable local transportation expense, not a reimbursable subsistence expense.” *Gonzalez; Robert E. Ackerman*, B-223202 (Sept. 25, 1987).

Charles J. Clemens, GSBCA 15998-RELO, 03-1 BCA ¶ 32,223 at 159,350; *see also Andrew Parr*, GSBCA 14058-RELO, 98-1 BCA ¶ 29,426 (1997); 47 Comp. Gen. 189 (1967) (“[I]n section 3.5 of the Standardized Government Travel Regulations garaging or parking of a vehicle is treated as a transportation expense. In our opinion, the term ‘subsistence expenses’ as used in Public Law 89-516 and the regulations of the Bureau of the Budget does not extend to the garaging of a vehicle when the employee is in temporary quarters.”). We draw no distinction between temporary quarters subsistence expenses (TQSE) (provided for PCS transfers to CONUS positions) and TQSA (provided for PCS transfers to OCONUS positions, as was here the case) in terms of how hotel parking fees are to be treated. In both instances, we consider fees for POV parking at temporary quarters a “non-reimbursable local transportation expense.”

Decision

The claims are denied.

RICHARD C. WALTERS
Board Judge