



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

September 27, 2017

CBCA 5635-RELO

In the Matter of TEODORA P. FERGUSON

Teodora P. Ferguson, APO Area Europe, Claimant.

Katharina Gollwitzer, Human Resources Specialist, Overseas Entitlement Division, Regional Director's Office, Department of the Army, APO Area Europe, appearing for Department of the Army.

SOMERS, Board Judge.

Claimant, Teodora P. Ferguson, a civilian employee of the Department of the Army (agency), appeals the agency's decision denying her reimbursement for three days of lodging and expenses submitted under her temporary quarters subsistence allowance (TQSA). For the reasons stated below, we grant Ms. Ferguson's request for TQSA reimbursement.

Background

On February 1, 2016, the agency issued permanent change of station (PCS) travel orders transferring Ms. Ferguson from Fort Leavenworth, Kansas, to Katterbach, Germany. The orders listed her reporting date as March 6, 2016. Ms. Ferguson's PCS orders required the agency's Travel Management Office (TMO) to arrange for her travel to Germany. According to Ms. Ferguson, the TMO arranged for flights that departed from the United States on March 2, and she arrived at her new post on March 3, 2016.

Ms. Ferguson filed her travel voucher on March 29, 2016. Ms. Ferguson alleges that when she initially filed her TQSA claim, she received guidance indicating that she needed to file the claim using the date she reported for duty in Germany, rather than the date she arrived on station. The agency reimbursed claimant for TQSA from March 6 through April

14, 2016. The agency denied Ms. Ferguson reimbursement of \$896 for three days of lodging and meal expenses that she incurred from March 3 through March 5, 2016. Ms. Ferguson obtained revised PCS orders, which corrected her arrival date from March 6 to March 3, consistent with her agency-arranged travel schedule, and supplemented her claim with the orders. Despite that, the agency denied her claim.

Discussion

By statute, TQSA is intended to pay for reasonable subsistence expenses of an employee and immediate family members while occupying temporary quarters when relocating to or from an overseas location. 5 U.S.C. § 5923(a)(1)(B) (2012). Regulations implementing “statutes providing for overseas pay differentials and allowances, including TQSA” are found in the Department of State Standardized Regulations (DSSR). The Department of Defense Joint Travel Regulations (JTR) expressly provide that the TQSA rules established in the DSSR apply to Department employees. JTR C1255; *see generally William P. McBee, Jr.*, CBCA 943-RELO, 08-1 BCA ¶ 33,760. DSSR 123.1.a. states that “[t]he temporary quarters subsistence allowance grant to an employee upon first arrival at a new post, including an employee or family member occupying temporary quarters at no expense, (e.g. government-owned or leased housing), shall commence . . . the date the employee arrives at a new post.”

Here, the agency admits that Ms. Ferguson was authorized TQSA, and it does not dispute the nature of her expenses or the amount of her claim. Rather, the agency argues that under DSSR 123.1, Ms. Ferguson was not allowed TQSA before she began work in Germany on March 6, 2016. In addition, the agency suggests, without evidence, that the revised PCS orders were not valid.

The corrected reporting date on her revised PCS orders corresponds with Ms. Ferguson’s actual arrival date. We find no reason to find that the revised orders do not properly reflect Ms. Ferguson’s reporting date. In any event, even without the revised orders, nothing in the applicable statutes or regulations states that an employee may not receive TQSA until he or she reports to work. Instead, Ms. Ferguson’s entitlement to TQSA commenced when she arrived on post. *See, e.g., James R. Dikeman*, CBCA 4238-RELO, 16-1 BCA ¶ 36,200 (2015) (TQSA begins upon an employee’s arrival at post).

Decision

We grant Ms. Ferguson's claims for TQSA allowance from March 3, 2016 through March 5, 2016.

JERI KAYLENE SOMERS
Board Judge