



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 29, 2018

CBCA 5858-RELO

In the Matter of ALEXANDER P. EBEL

Alexander P. Ebel, Salem, VA, Claimant.

Gary McWilson, Financial Services Center, Department of Veterans Affairs, Austin, TX, appearing for Department of Veterans Affairs.

SOMERS, Board Judge (Chair).

Alexander P. Ebel, an employee of the Department of Veterans Affairs, seeks reimbursement of lodging expenses and per diem incurred when he traveled from his duty station in Jackson, Mississippi, to his new duty station in Salem, Virginia. We grant the claim in part.

On August 16, 2017, Mr. Ebel and his family drove from Jackson, Mississippi, traveling 250 miles the first day. On the second day, Mr. Ebel discovered that the hotels along the route had no rooms available. As a consequence, Mr. Ebel drove 500 miles, ending up at a hotel in Christiansburg, Virginia.

Because this hotel was located within 50 miles of Mr. Ebel's new duty station, the agency determined that he was not entitled to lodging or per diem, citing 41 CFR 301-11.9 for the proposition that an employee is not entitled to lodging or actual travel expenses at his permanent duty station.

This is incorrect. Mr. Ebel's transfer to the VA center in Salem, Virginia, did not become effective until the date he reported for duty. 41 CFR 302-2.4 ("effective transfer or appointment date is the date on which you report for duty at your new or first official station.") Although the record here does not state when Mr. Ebel reported for duty, we find that he is entitled to lodging and per diem expenses incurred until he reported for duty.

The agency should pay Mr. Ebel for his lodging expenses and for any per diem expenses he is entitled to receive prior to officially reporting for duty at his new duty station.

JERI KAYLENE SOMERS
Board Judge