



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 5, 2023

CBCA 7579-RELO

In the Matter of KRISTINA M.

Kristina M., Claimant.

Major Matthew B. Firing, Command Judge Advocate, 408th Contracting Support Brigade, Camp Arifjan, Kuwait, appearing for Department of the Army.

KULLBERG, Board Judge.

Claimant, Kristina M., seeks reimbursement for the cost that she incurred to take a COVID-19 test before departing from her former overseas (OCONUS) permanent duty station (PDS) in Kuwait and returning to her home of record in the United States (CONUS). The agency, the Department of the Army (Army), contends that the cost of such testing is not reimbursable as claimant could have obtained a COVID-19 test at a government facility. In addition, the Army asserts that claimant has not properly documented the cost of her test. For the reasons stated below, which include a lack of legal and factual support for reimbursement of the cost of claimant's COVID-19 test, the claim is denied.

Background

On September 26, 2020, the Army issued travel orders that authorized claimant's return travel to her home of record in CONUS following her separation from government service. Those orders provided for receipt of per diem and shipment of household goods (HHG). Her orders also required a two-week quarantine at Camp Atterbury, Indiana, upon her arrival before returning to her home. On September 24, 2020, claimant purchased an airline ticket for return travel to CONUS on a non-U.S. flag carrier from Kuwait, and on September 27, 2020, she resigned from her position with the Army. Claimant scheduled a

COVID-19 test on September 29, 2020, and departed Kuwait on October 1, 2020. After her arrival in CONUS, claimant sought reimbursement of her travel expenses, which the Board granted in part. *Kristina M.*, CBCA 7490-RELO, 22-1 BCA ¶ 38,216, at 185,611. The Board did not decide claimant's request for the cost of her COVID-19 test, however, because she had not submitted a claim for that test to the agency. *Id.*

Subsequent to the Board's decision, claimant submitted to the Army her request for reimbursement of the cost of her COVID-19 test, which she claimed was required for her departure from Kuwait. The Army denied her claim on November 12, 2022. On November 15, 2022, the Board received claimant's claim in the amount of \$130.40 for the cost of her COVID-19 test.

After the Board docketed this matter, the Army filed its agency report. The Army urged the Board to deny the claim because claimant could have obtained a COVID-19 test at a government facility, and claimant failed properly to document the cost of her test. In response to the agency report, claimant contends that she was no longer in government service when she was required to take the COVID-19 test. She also revised the amount of her claim to \$134.03, which was the amount shown on her bank statement for the date she reserved her appointment for the COVID-19 test.

Discussion

The issue before the Board is whether claimant is entitled to reimbursement for the cost of testing for COVID-19. Claimant cites Joint Travel Regulations (JTR) section 0204, Miscellaneous Reimbursable Expenses, which lists reimbursable medical expenses that include the following:

Charges for immunizations, inoculations, and other disease-preventative medical prophylaxes, including disease testing, that are required for official travel OCONUS, but are not available through a Federal dispensary. Only the cost of the immunization, inoculation, or test is reimbursable, not the medical office visit.

JTR 0204 (Sept. 2020). Claimant's reliance upon JTR 0204 is misplaced because she has only established that she incurred the cost of the COVID-19 test because she chose not to return to CONUS by the travel arrangements set forth in her orders, which would have allowed her to avoid such a cost. While claimant has stated her objections to return travel that involved a quarantine before returning home, the Board finds no legal basis for reimbursing the cost of a COVID-19 test that was incurred as a consequence of her decision to travel in a manner that was only for personal convenience.

Additionally, even if the Board were to find that the cost of claimant's COVID-19 test was reimbursable under JTR 0204, she has not provided sufficient documentary evidence of the cost of her test. The JTR requires receipts for expenses in excess of \$75. JTR 010301-A. Claimant has only submitted a copy of a bank statement for an amount paid, \$134.03, with no description of the cost. Such scant information does not meet her burden of proof.

Decision

The claim is denied.

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge