



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 22, 2023

CBCA 7490-RELO

In the Matter of KRISTINA M.

Kristina M., Claimant.

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

KULLBERG, Board Judge.

The agency, the Department of the Army (Army), seeks reconsideration of the Board's decision in *Kristina M.*, CBCA 7490-RELO, 22-1 BCA ¶ 38,216, which determined that claimant was entitled to the cost of a portion of her return travel on a U.S. flag carrier in the amount of \$427.65.¹ Claimant claimed the costs of returning to her home of record in the United States (CONUS) after she resigned from her position at her previous overseas (OCONUS) permanent duty station (PDS). In its request for reconsideration, the Army argues that claimant was authorized travel for "Military Air (MILAIR)," which was at no additional cost to the Government and that, consequently, "the alleged costs of airfare incurred by the claimant exceeded the lesser amount that was authorized by the agency." For the reasons stated below, the Board denies the Army's request for reconsideration.

¹ The Board has docketed the agency's request for reconsideration, which had not been properly filed with the Board, as it appeared that administrative oversight may have contributed to causing the agency to assume that its filing had been proper. In the interest of preventing further delay in bringing resolution to this matter, the Board issues this decision.

The Army argues that claimant is not entitled to the cost of her return travel because she could have returned to CONUS by using MILAIR. Claimant's orders for return from her OCONUS PDS stated that "[t]he employee is reminded government funded travel/[household goods] shipment are only authorized provided the employee . . . proceeds to Camp Atterbury, IN for redeployment out-processing." However, claimant resigned government service before her departure, which the Board noted was pursuant to the Joint Travel Regulations (JTR 054809-A.1 (Sept. 2020)). *Kristina M.*, 22-1 BCA at 185,611. The Army has shown no basis for requiring a former government employee to use military transport, and the Army makes no mention of the cost that it would have incurred for claimant's transportation from Camp Atterbury to her home of record if she had complied with the Army's orders. The Army's suggestion that claimant's return travel under her orders involved no cost to the agency is not supported by the record as claimant's orders indicated an estimated transportation expense of \$1600. The Army's request for reconsideration only amounts to a variation of its previous argument that claimant's entitlement to return travel from her former OCONUS PDS to CONUS should be denied because of her lack of compliance with the Army's orders, which required quarantine upon her arrival. However, the Board's decision held, consistent with precedent, that claimant's entitlement to return travel expenses is pursuant to statute and regulation, and it is mandatory. *Kristina M.*, 22-1 BCA at 185,611.

Decision

The request for reconsideration is denied.

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge