



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 9, 2023

CBCA 7535-RELO

In the Matter of ANDREW C.

Andrew C., Claimant.

Marc E. Mandel, Office of the General Counsel, Federal Bureau of Investigation, Department of Justice, Washington, DC, appearing for Department of Justice.

SULLIVAN, Board Judge.

Background

Claimant and his family moved back to the United States in June 2022. Due to various restrictions surrounding the transportation of live animals, claimant shipped the family pet back to the United States in May 2022. As a result of COVID restrictions and the general unavailability of cargo flights into the United States at the time, claimant incurred \$12,629.14 in costs to transport the family pet. This cost was a 400% increase from the cost that claimant incurred shipping the family pet out of the United States in June 2019.

Recognizing that claimant had incurred expenses permitted within the miscellaneous expense allowance (MEA), the Federal Bureau of Investigation (FBI) reimbursed claimant a total of \$4060.73 as a MEA and withholding tax allowance less state tax withholding (\$299.35), Medicare (\$75.49), and Old-Age, Survivors, and Disability Insurance (OASDI) (\$21.84). The agency disallowed any amount in excess of \$4060.73, due to the limits on MEA reimbursement amounts found in the Federal Travel Regulation (FTR). *See* 41 CFR 302-16.102, .103 (2021) (FTR 302-16.102, .103).

Claimant seeks the Board's review of the agency's disallowance of the full amount, claiming a financial hardship exception to the FTR due to the unforeseen circumstances of the pandemic which caused the cost to transport the family pet to increase substantially.

Discussion

Within the FTR, transportation of pets is payable as part of the MEA. 41 CFR 302-16.2. For employees traveling with immediate family members, MEA reimbursement is capped at \$1300 or the equivalent of two weeks' basic gross pay, whichever is the lesser amount. *Id.* 302.16-102. Employees may receive a larger MEA reimbursement if they can substantiate the amount. *See id.* 302.16-103. However, this greater amount is limited to two weeks of pay at the GS-13 maximum grade in place at the time the expenses were incurred. *See id.* 302.16-103 note.

The GS-13 maximum grade rate in place in May 2022 was \$105,579. *See* Agency Response, Exhibit B. Two weeks of pay at this maximum grade is \$4060.73. Pursuant to 41 CFR 302.16-103, the maximum amount the agency was authorized to approve was \$4060.73. Despite the financial hardship imposed by this limitation, the Board cannot direct the agency to pay an amount in excess of that permitted by the FTR. *See Joyce L. Wilson*, CBCA 5633-RELO, 17-1 BCA ¶ 36,825, at 179,474; *John J. Churchill*, GSBICA 16419-RELO, 04-2 BCA ¶ 32,698, at 161,783.

Decision

Claimant's request for reimbursement in excess of the amount already reimbursed is denied.

Marian E. Sullivan

MARIAN E. SULLIVAN
Board Judge