



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 3, 2023

CBCA 7568-RELO

In the Matter of THADDEUS K.

Thaddeus K., Claimant.

Benjamin E. Forsgren, Office of General Counsel, National Geospatial-Intelligence Agency, Springfield, VA, appearing for Department of Defense.

ZISCHKAU, Board Judge.

Thaddeus K. (claimant), an employee of National Geospatial-Intelligence Agency (NGA), seeks reimbursement for rental car expenses in the amount of \$2052.80 for his permanent change of station (PCS) outside the continental United States (OCONUS). Because there was no delay in the shipment of his vehicle to the new location, the claimant is not entitled to rental car reimbursement under sections 054711 and 0541 (table 5-81(1)(h)) of the Joint Travel Regulations (JTR) (July 2022).

Background

In April 2022, claimant was issued orders for a PCS from Florida to Hawaii. The PCS orders stated that reimbursed expenses would include shipment of his privately owned vehicle (POV) and miscellaneous expenses. Rental car expenses in Hawaii are not specified in the PCS orders. On April 28, 2022, claimant was emailed a copy of the agency's relocation handbook. On May 5, 2022, in anticipation of his PCS, claimant was given an estimate of his PCS expenses, and again, rental car expenses were not included. On May 9, 2022, claimant was resent the relocation handbook and prompted to ask questions regarding the PCS with his relocation case manager. In response, claimant acknowledged that he had "received the packet and [is] going through it now" and that he did not need to ask his case manager any questions. On June 8, 2022, claimant was invited to attend a PCS "lunch and

learn” event intended to answer questions about the PCS process and authorized allowances, but he did not attend.

On June 27, 2022, claimant dropped off his POV in Orlando to be shipped to his destination in Hawaii and received from the shipper a required delivery date (RDD) of August 15, 2022. Upon arriving in Hawaii on July 15, 2022, claimant decided to rent a car. He kept the rental vehicle until he purchased a vehicle on July 26, 2022. On July 22, 2022, his POV arrived in Hawaii, and on July 29, 2022, claimant picked up his vehicle.

Claimant submitted his PCS voucher requesting reimbursement of \$2052.80 for the twelve days that he rented a car while awaiting the arrival of his POV. The agency denied reimbursement of the rental car expenses, stating that his POV arrived early, not late, and there was no basis for reimbursing his rental car expenses. The agency noted that claimant already received the full \$1300 reimbursement of miscellaneous expenses. Claimant brought a claim here, stating that he was not aware of the prohibition on rental car expenses and that no one from the agency advised him of this. He further claims that the rental car policy was “changed/updated” during his PCS and that, had he known of the policy change, he would not have rented a car in Hawaii.

During a January 31, 2023, conference with the Board and agency representative, claimant admitted that he never inquired about rental car expenses nor did his case manager inform him that he would be reimbursed for rental car expenses. Claimant assumed that he would be reimbursed for his rental car because he arrived in Hawaii on July 15, 2022, a month prior to his RDD of August 15, 2022, and he required transportation to conduct house hunting trips.

Discussion

As a federal employee who works for NGA, claimant is subject to the JTR. Under JTR 054711, “[t]here is no authority for rental car reimbursement while awaiting POV arrival.” JTR 0541, entitled “Miscellaneous Expense Allowance (MEA),” contains table 5-81(1)(h), which provides that an employee is entitled to reimbursement of “[r]ental car fees while awaiting a *delayed* POV shipment to or from OCONUS” (emphasis added). Claimant’s vehicle arrived in Hawaii prior to the RDD and is not considered a delayed shipment. Therefore, claimant is not entitled to rental car fees. Because the JTR does not provide authority for rental car reimbursement, claimant does not have a basis for relief.

Regarding claimant’s argument that he is entitled to reimbursement because the agency failed to inform him of the rental car reimbursement policy, the agency did put him on notice of the policy in the relocation handbook it provided, which states: “[T]he employee will not be authorized . . . a rental car while waiting for the POV.” Moreover, an

agency has no legal duty to relay the federal regulations that preclude the reimbursement of a rental car, regardless of the nature of the PCS. *Marsha K. Harrington-Evans*, CBCA 1003-RELO, 08-2 BCA ¶ 33,876, at 167,673. Nor is an agency obligated to give additional guidance when the regulations provide clear instruction on an employee's rights. *Elizabeth D. Gosselin*, CBCA 2208-RELO, 11-2 BCA ¶ 34,876, at 171,537. JTR 054711 explicitly states that there is no authority for rental car reimbursement while awaiting a POV shipment.

Claimant states that his agency failed to notify him of a change in the JTR that would exclude him from receiving rental car reimbursement. The relevant regulation has not substantively changed throughout claimant's PCS. JTR 054711 states that "[t]here is no authority for rental car reimbursement while awaiting POV arrival." On July 1, 2022, JTR table 5-81(1)(h) was added to clarify that agencies may reimburse relocating civilian employees for rental car fees when their privately owned vehicle (POV) suffers a shipping delay for OCONUS shipping. Since claimant's POV was not delayed in shipment, the added subsection (1)(h) is inconsequential.

Decision

We deny the claim.

Jonathan D. Zischkau
JONATHAN D. ZISCHKAU
Board Judge