



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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October 25, 2024

CBCA 8159-RELO

In the Matter of BO W.

Bo W., Claimant.

Renee Achille-Williamson, Supervisory Budget Analyst, Air Force Personnel Center, Department of the Air Force, Joint Base San Antonio-Randolph Air Force Base, TX, appearing for Department of the Air Force.

**CHADWICK**, Board Judge.

The military agency relocated claimant, a civilian employee, from Florida to Illinois and approved actual temporary quarters subsistence expenses (TQSE-AE) at the new duty location for thirty days. Claimant seeks review of the agency’s denial of his request to extend the TQSE period. Because the agency applied an incorrect standard when reviewing the extension request—requiring claimant to show a compelling reason to obtain TQSE for sixty days or fewer—we return the claim to the agency to decide it under the proper standard.

Background

Claimant received permanent change of station orders on January 17, 2024, declined the benefit of a house-hunting trip, *see* 5 U.S.C. § 5724a(b)(1)(A) (2018), entered on duty at the new station on March 26, 2024, and, by his report, moved into permanent rental housing on approximately May 17, 2024, fifty-three days after his start date.

In April 2024, two days before the expiration of his thirty days of approved TQSE-AE, claimant sought a thirty-day extension, citing “[i]nability to locate permanent housing to meet needs of family” and noting lack of rentals costing “\$2400 per month or less that accept[s] pets (excluding areas that pose safety concerns).” Claimant also stated that

“with my previous address still on the market I am having trouble with having my offers being accepted.”

The agency denied the extension request the following day. Concerned that the agency may not have fully understood his position, claimant clarified by email the next day that the “driving factor” behind the request was not his pets or the sale of his former home but a “shortage” of suitable homes for rent or purchase “upon [his] initial arrival” in the new area. Claimant reported that he was about to “place an offer [to purchase] a home.” (Apparently, claimant later rented a home instead.) The agency stood by its decision. It cited Department of the Air Force Manual (DAFMAN) 36-142 ¶ 5.8.3.2 (Oct. 2022) and explained, “When considering requests for TQSE for delayed occupancy due to unanticipated problems we look for delays in mortgage processing, or [other] events that unexpectedly occur delaying [a] closing that was originally within the authorized TQSE time frame.”

### Discussion

This claim is governed by both the Federal Travel Regulation (FTR) and the Joint Travel Regulations (JTR), as long as the JTR are consistent with the FTR. *E.g.*, *Michael R. Lujan*, CBCA 4613-RELO, 15-1 BCA ¶ 36,096, at 176,235. Agency-level travel and relocation policies must also be consistent with the FTR. *E.g.*, *Todd R.*, CBCA 8021-TRAV, 24-1 BCA ¶ 38,577, at 187,497; *Kevin D. Reynolds*, CBCA 2201-RELO, 11-1 BCA ¶ 34,756, at 171,061. An agency has “broad discretion” in acting on TQSE extension requests, and we will sustain such decisions unless they are arbitrary, capricious, or contrary to law. *Vicky Lynn Tucci*, GSBCA 16826-RELO, 06-2 BCA ¶ 33,366, at 165,408.

As we read the record, the agency did not properly apply the FTR and JTR when considering claimant’s extension request. As the Board explained in *Christopher S.*, CBCA 6756-RELO, 21-1 BCA ¶ 37,778, at 183,364, “the JTR [are] consistent with the FTR in that [both do] not impose a *compelling reason requirement* on TQSE extension requests that do not seek extensions beyond . . . *sixty* consecutive days.” (emphasis added). The applicable FTR authorized TQSE-AE in “increments of 30 days or less” and authorized extensions for “compelling reason[s] . . . of up to 60 additional consecutive days” after an initial sixty days. 41 CFR 302-6.104 (2023) (FTR 302-6.104). The applicable JTR, implementing the FTR, listed examples of reasons to extend TQSE “for an additional 60 or fewer consecutive days” up to 120 days. JTR 054206.A.1, .2 (Jan. 2024). The regulations do not limit the grounds on which an agency may choose to extend TQSE from thirty to sixty days, as claimant requested here. *See Christopher S.*, 21-1 BCA at 183,364.

Although claimant sought an extension that would afford him sixty total days or fewer (if he found housing sooner) of TQSE, the agency thought claimant needed to provide a compelling reason, rather than only a good or sufficient reason. The agency’s emails

denying the request understandably cited the applicable Air Force Manual, which—we fully recognize—prescribed “a maximum of 30 days” of TQSE for domestic relocations and instructed travel officials to “determine [whether] there are compelling reasons” for any extension. DAFMAN ¶¶ 5.8.3.2.1, 5.8.3.2.3. Before the Board, the agency discusses the examples set forth in FTR 302-6.105 and JTR 054206.A.2 that may constitute compelling reasons to extend TQSE beyond sixty days.

Requiring a *compelling* reason for claimant’s extension request deviated from the regulatory instructions. “Because the agency misconstrued the guidance set forth in the FTR and JTR, the agency has not properly exercised its discretion or articulated an acceptable basis for denying the request.” *Christopher S.*, 21-1 BCA at 183,364. Citing the agency manual alone cannot support a denial. The manual reflects the agency’s regulatory interpretations, which “are trumped by” the regulations themselves. *Kevin D. Reynolds*, 11-1 BCA at 171,061; *see Michael Bilodeau*, CBCA 686-TRAV, 07-2 BCA ¶ 33,716, at 166,909–10 (“[I]nterpretative agency rules[] are trumped by the FTR, which is a legislative rule.”).

It is not the Board’s role to grant or deny the extension request in the first instance. *See* Board Rule 401(c) (48 CFR 6104.401(c)). That discretion remains with the agency, which must decide whether the circumstances presented here warranted an extension of TQSE beyond thirty days, until claimant obtained housing in fewer than sixty total days.

### Decision

We return the claim to the agency to decide it without requiring that claimant’s justification be compelling.

*Kyle Chadwick*  
KYLE CHADWICK  
Board Judge