



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 10, 2025

CBCA 8477-RELO

In the Matter of MICHAEL L.

Michael L., Claimant.

Nicole J. Watson, Civilian Personnel Officer, Travel and Allowance Unit, 374 Force Support Squadron, 374th Airlift Wing, Department of the Air Force, APO Area Pacific, appearing for Department of the Air Force.

KULLBERG, Board Judge.

Claimant seeks review of the denial of his eligibility for various overseas allowances by the United States Air Force (USAF or agency) after he relocated to his permanent duty station (PDS) outside the continental United States (OCNUS). The USAF determined that claimant was ineligible to receive the foreign transfer allowance (FTA), living quarters allowance (LQA), temporary quarters subsistence allowance (TQSA), annual leave accumulation of forty-five days, and home leave. Claimant seeks reinstatement of these allowances. For the reasons stated below, the Board dismisses this matter.

Background

On August 26, 2024, the USAF issued permanent change of station orders that assigned claimant to his present OCNUS PDS with a reporting date of October 7, 2024. The USAF's memorandum dated March 3, 2025 (memorandum) advised claimant that he was not eligible to receive overseas allowances that included FTA, LQA, TQSA, an annual leave accumulation of forty-five days, and home leave. The memorandum further advised him that he could file an appeal with the Office of Personnel Management (OPM). The memorandum determined that claimant was neither an OCNUS nor CONUS hire for the purpose of eligibility for those overseas allowances previously paid, but the question of his

financial liability had yet to be determined. On April 14, 2025, claimant filed his appeal with OPM. On June 14, 2025, the USAF determined that claimant was eligible to receive FTA. The Board then docketed this matter in which claimant requested review of the USAF's memorandum and "reinstatement of my Foreign Overseas Allowances."

The USAF filed its agency report, and claimant has filed his response. The USAF contends that claimant's eligibility for LQA is a matter to be decided by OPM, and claimant's eligibility for TQSA depends upon his eligibility for LQA. Additionally, the USAF argues that claimant's eligibility for FTA is moot because his eligibility has been restored, and claimant is not entitled to accumulated leave or home leave. Claimant requests that the Board stay review of his eligibility for TQSA pending OPM's decision, and he argues that he was not properly advised of his eligibility for the various overseas allowances at issue.

Discussion

At issue is whether claimant's request for the Board's review of the USAF's memorandum, which denied his eligibility for various overseas allowances, is within our authority. The Administrator of General Services has delegated to this Board the authority to "settle claims involving expenses incurred by Federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official duty station." 31 U.S.C. § 3702(a)(3) (2018). Claimant has brought a matter before the Board that he has already appealed to OPM, and the Board, accordingly, addresses its authority to review the USAF's denial of claimant's eligibility for those overseas allowances.

The Board does not have authority to review claimant's eligibility for LQA. Statute provides that "[t]he Director of [OPM] shall settle claims involving Federal civilian employees' compensation and leave." 31 U.S.C. 3702(a)(2). LQA, therefore, "is an allowance which accrues to an employee after the employee has traveled to a place and relocated there, it is more properly viewed as a species of compensation to be referred to OPM for resolution." *Mary D. Wilson*, CBCA 1510-RELO, 09-2 BCA ¶ 34,184, at 168,976. The Board, therefore, lacks authority to address claimant's eligibility for LQA.

Claimant asks the Board to decide the question of his eligibility for TQSA, but such a review would be premature. The Board has recognized that while it lacks authority to hear a claim for LQA, it does have the authority to determine a claim for TQSA. *Tyler L.*, CBCA 7055-RELO, 21-1 BCA ¶ 37,945, at 184,296-97. The Joint Travel Regulations (JTR), which apply to claimant, provide that "TQSA assists in covering the cost of temporary lodging, plus reasonable meal and laundry expenses, incurred at a new foreign PDS OCONUS (see the DSSR [Department of State Standardized Regulations])." JTR 054205 (Aug. 2024). The

DSSR defines “quarters allowance” as “an allowance granted under the authority of title 5 U.S.C. [section] 5923 and [DSSR] sections 120 or 130.” DSSR 111. DSSR 120 applies to TQSA, and DSSR 130 applies to LQA. *Id.* 120, 130. The criteria for eligibility for quarters allowances, either LQA or TQSA, are the same for those hired either within or outside of the United States. *Id.* 031.11, 031.12. Claimant’s eligibility for TQSA is determined by the DSSR, and under that regulation eligibility for LQA would necessarily control eligibility for TQSA. The issue of claimant’s eligibility for LQA is pending before OPM. The Board finds that it would be premature to make any determination regarding claimant’s eligibility for TQSA until OPM resolves the issue of his eligibility for LQA. *See Jermaine W. DeWitt*, CBCA 5399-RELO, 16-1 BCA ¶ 36,537, at 177,996 (claim dismissed because TQSA claim would not be ripe for review until claimant sought review of eligibility for LQA from OPM).

Claimant requests that the Board review the USAF’s determination that he was ineligible for forty-five days of accumulated annual leave and home leave. Regulation provides that “[h]ome leave means leave authorized by section 6305(a) of title 5, United States Code, and earned by service abroad for use in the United States, in the Commonwealth of Puerto Rico, or in the territories or possessions of the United States.” 5 CFR 630.601 (2024). “An employee who meets the requirements of section 6304(b) of title 5, United States Code, for the accumulation of a maximum of 45 days of annual leave may be granted home leave in accordance with section 6305(a) of that title and this subpart.” *Id.* 630.602. The Board has recognized that OPM has the authority to address matters involving leave, and requests submitted to the Board related to leave will be dismissed. *See Charlene Sedar*, CBCA 5357-RELO, 17-1 BCA ¶ 36,896, at 179,795 (2016) (citing 31 U.S.C. § 3702(a)(2)); *Jerald Lucas*, CBCA 5296-RELO, 17-1 BCA ¶ 36,617, at 178,340 (2016)). Accordingly, the Board is without authority to review claimant’s request for review of his eligibility for accumulated annual leave and home leave because such matters are under OPM’s authority.

The USAF has shown that claimant’s eligibility for FTA has been restored, and claimant has not shown the contrary. “‘Whenever, during the course of litigation, it develops that the relief sought has been granted or that the questions originally in controversy between the parties are no longer at issue, the case should be dismissed’ as moot.” *Michael H.*, CBCA 7518-RELO, 23-1 BCA ¶ 38,260, at 185,788. The Board finds that any issue regarding claimant’s eligibility for FTA has been rendered moot.

Claimant argues that he was misinformed by the USAF regarding his eligibility for the overseas allowances at issue, but that argument does not change the result in this matter. While the Board recognizes claimant’s frustration with his situation, the Board has no alternative but to dismiss this matter. For the reasons stated above, claimant’s request for review of the USAF’s denial of eligibility for his overseas allowances concern matters that are either outside the Board’s authority, premature, or moot.

Claimant requests that the Board stay this matter regarding the issue of TQSA while OPM decides his eligibility for LQA, but such a suspension of proceedings is unnecessary. OPM's decision regarding claimant's appeal could eliminate the need for any further involvement by the Board in this matter, and if claimant seeks to bring a claim after OPM's decision, the Board will then address such a claim. The Board's dismissal of this matter does not prejudice any proper future claim.

Decision

This claim is dismissed.

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge