



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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February 19, 2025

CBCA 8208-RELO

In the Matter of HOLLIE P.

Hollie P., Claimant.

Ilona M. Keller, Human Resources Specialist, Civilian Personnel Directorate, Department of the Army, APO Area Europe, appearing for Department of the Army.

**SULLIVAN**, Board Judge.

As part of a relocation back to the United States following an overseas assignment, claimant, a civilian employee of the Department of the Army (Army), requested four days of temporary quarters subsistence allowance (TQSA) to overlap with the last four days of living quarters allowance (LQA). The Army denied the claim, finding that the employee's lease did not require a stringent cleaning of the apartment which would have required her to vacate prior to the end of the lease. We deny the claim.

Background

Claimant received orders to relocate back to an assignment in the United States after having been assigned to work in London, England, for several years. While in England, claimant received a LQA, as described in the Department of State Standardized Regulations (DSSR), for the "annual cost of suitable, adequate, living quarters" for claimant and her family. Claimant received LQA funds through April 26, 2024, the date on which her lease ended.

In anticipation of her relocation, claimant arranged for her household goods to be picked up on April 18. Claimant then took leave with her family until April 23, when she returned to her housing to finish removing items and cleaning and painting to restore the

premises to the condition in which she received it. Claimant's lease required that return the premises "in a clean and tidy condition and in good order (fair wear and tear excepted)." Claimant undertook these efforts April 23 to 26, 2024.

When arranging for her relocation, claimant learned that she could request up to five days of overlap for TQSA and LQA. She requested and received authorization from her supervisor for this overlap April 23 to 26, 2024. According to claimant, she was not informed that she needed to obtain approval from any other entity or that she would not qualify for the overlapping allowances based upon the facts of her relocation.

Upon arriving in the United States, claimant submitted her request for reimbursement of TQSA for two periods—April 23 to 26 and April 27 to May 2, 2024. By memorandum dated June 19, 2024, the Director of the Civilian Personnel Division, United States Army Europe and Africa, denied claimant's request for the four days of TQSA for April 23 to 26, finding that claimant's goods had already been removed before the dates requested and that there was "no heavy/stringent cleaning requirement imposed on the tenant other than what would be normally expected when vacating quarters." Claimant's request for TQSA reimbursement for April 27 to May 2, 2024, was put on hold until claimant could seek further review of the Army's determination.

### Discussion

Agencies are authorized to provide TQSA for employees when relocating to or from an overseas duty assignment by the Overseas Differentials and Allowances Act, 5 U.S.C. §§ 5921-5928 (2018), and the implementing regulations found in the DSSR. The DSSR provides that employees may receive TQSA "for a period not to exceed [thirty] days immediately preceding final departure from the post subsequent to the necessary vacating of residence quarters." DSSR 121.b. Payment of TQSA commences on the date that the employee vacates the permanent housing quarters, unless the head of the agency or a designee determines that "up to five days are required for payment of both the [LQA] and [TQSA] because the employee must necessarily vacate permanent residence quarters in order to comply with stringent lease requirements for cleaning and repair or while movers are there preparing the employee's household effects for shipment." DSSR 124.1.a.

The DSSR defines "head of agency" as the "head of a government agency or anyone designated by them to make determinations in their behalf." DSSR 40.e. Pursuant to delegation, the Director of the Civilian Personnel Division is charged with making this determination for Army civilian employees stationed in Europe. Department of Defense Instruction, 1400.25-V1250; Delegations of Civilian Human Resources Authority, Matrix 02-2017; USAREUR-AF Civilian Human Resources Delegation Authorities, Version 01-2023.

The provision of allowances pursuant to the Overseas Differentials and Allowances Act and DSSR is a matter of discretion for the applicable agency. *Sean P. Tweed-Kent*, CBCA 5528-RELO, 17-1 BCA ¶ 36,797, at 179,347. Although the agency's exercise of discretion for the granting of TQSA is not unfettered, the Board will overturn a denial "only if it was arbitrary and capricious or otherwise in violation of law." *Ivan A.*, CBCA 7256-RELO, 22-1 BCA ¶ 38,060, at 184,798 (citations omitted). In this case, we examine whether the agency "reasonably exercised its discretion" in denying the request for four days of TQSA overlapping with the LQA.

The Army determined that claimant's lease did not contain stringent cleaning requirements that required claimant to vacate prior to undertaking those requirements, an exercise of discretion permitted by regulation. It also determined that claimant's household goods had already been moved. Based upon our review of the lease, we do not find any stringent cleaning requirements. As claimant acknowledges, she could have made different arrangements for the transport of her belongings if the agency had properly advised her as to the requirements for relocation and TQSA. We uphold the agency's exercise of discretion.

Claimant argues that she should not be penalized for the agency's failure to provide her proper guidance on this issue before she made her relocation arrangements, asserting that she would have made different arrangements and avoided the costs she incurred if she had been so advised. The record submitted by claimant evidences claimant's diligent effort to obtain guidance on all aspects of her relocation. While the Army acknowledges in its response that the agency did a poor job of providing guidance to the claimant, incorrect guidance or the failure to provide proper guidance does not provide a basis upon which to grant the claim. *See Thomas A. Gilbert*, CBCA 2214-RELO, 11-2 BCA ¶ 34,786, at 171,206.

### Decision

The claim is denied.

Marian E. Sullivan  
MARIAN E. SULLIVAN  
Board Judge