



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 21, 2016

CBCA 5286-RELO

In the Matter of WILLIE J. CHANDLER

Willie J. Chandler, Vicenza, Italy, Claimant.

E. Jane Robinson-Schulz, Human Resources Specialist, Civilian Human Resources Agency-Northeast/Europe, Regional Director's Office, Kaiserslautern, Germany, appearing for the Department of the Army.

LESTER, Board Judge.

The Board has docketed a submission from the claimant, Willie J. Chandler, titled "LQA Appeal." In his submission, Mr. Chandler asserts that, when he was hired for his position at the United States Army Garrison (USAG) Italy in July 2014, the Department of the Army approved his receipt of a living quarters allowance (LQA). LQA "is a housing supplement granted to overseas employees 'for the annual cost of suitable, adequate, living quarters for the employee and his/her family.'" *McAllister v. United States*, 3 Cl. Ct. 394, 395 (1983) (quoting Department of State Standardized Regulations (DSSR) 131.1); *see* 5 U.S.C. § 5923(a)(2) (2012) (LQA is an allowance "for rent, heat, light, fuel, gas, electricity, and water" when "Government owned or rented quarters are not provided without charge for an employee in a foreign area"). Mr. Chandler asserts that, after he arrived at USAG Italy, he was informed that he would not receive LQA. He challenges that denial here.

We lack authority to consider Mr. Chandler's claim. Pursuant to 31 U.S.C. § 3702, the Administrator of General Services has 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 stations,” *id.* § 3702(a)(3), an authority that the Administrator has delegated to the Civilian Board of Contract Appeals. *Keith E. Mayo*, CBCA 2578-RELO, 12-1 BCA ¶ 35,008, at 172,042; 48 CFR 6104.401(a) (2015). In the same statute, Congress granted the Director of the Office of Personnel Management (OPM) authority to “settle claims involving Federal civilian employees’ compensation and leave.” 31 U.S.C. § 3702(a)(2).

The Board has repeatedly recognized that LQA is not a travel, transportation, or relocation expense that would fall within the authority that the Administrator of General Services has delegated to it, but is instead a species of federal employee compensation that falls within OPM’s settlement authority:

LQA is not an expense of travel, transportation, or relocation; since it is an allowance which accrues to an employee after he has traveled to a place and relocated there, it is more properly viewed as a species of compensation. This distinction is drawn in title 5 of the United States Code, Government Organization and Employees: the law regarding travel, transportation, and relocation expenses is contained in chapter 57, “Travel, Transportation, and Subsistence,” whereas the law regarding LQA is contained in chapter 59, “Allowances.”

Donald E. Guenther, GSBCA 97-1 BCA ¶ 28,795, at 143,640; *see John M. Pemberton*, GSBCA 15372-TRAV, 01-2 BCA ¶ 31,541, at 155,713 (“this Board does not have the authority to settle [an LQA] claim since it is not an expense of travel, transportation, and relocation, but rather an allowance payable after an employee has relocated”); *Wilma F. Sexton*, GSBCA 13790-RELO, 97-1 BCA ¶ 28,855, at 143,975 (“claims . . . for living quarters allowances fall outside of our authority”).

In accordance with our longstanding practice, *see, e.g., Roy L. Edgar*, CBCA 1985-RELO, 11-1 BCA ¶ 34,702, at 170,894; *Mary D. Wilson*, CBCA 1510-RELO, 09-2 BCA ¶ 34,184, at 168,976; *Guenther*, 97-1 BCA at 143,640, we dismiss this matter from our docket and transfer it to OPM for resolution.

HAROLD D. LESTER, JR.
Board Judge