



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 17, 2017

CBCA 5538-RELO

In the Matter of ROBERT E. BLAKE

Robert E. Blake, FPO Area Europe, Claimant.

Teresa Eurito, Lead Human Resources Specialist, Human Resources Offices, Navy Region Europe, Africa, Southwest Asia, Department of the Navy, FPO Area Europe, appearing for Department of the Navy.

SOMERS, Board Judge.

Robert E. Blake applied and was selected for the position of contracting officer representative in Deveselu, Romania. The base, located in a remote, rural area of Romania, had only recently been established. Employees assigned to positions in Romania have limited entitlements, with reduced allowances for shipments of household goods, no entitlement to shipment of privately owned vehicles (POV), and no living quarters allowance (LQA), because employees are required to share government quarters located on the base.

Initially, the Department of the Navy (agency or Navy) provided prospective employees with incorrect information as to their entitlements. The Navy first informed these employees (wrongly) that they would be entitled to store a POV at government expense. When the agency determined that the Joint Travel Regulations (JTR) do not authorize POVs to be stored at government expense in conjunction with a PCS move, it contacted the first employees assigned to Romania to explain that they, in fact, were not entitled to store POVs at government expense. It also corrected the tentative job offer letters which identified the types of entitlements available. Mr. Blake's tentative job offer letter, dated April 27, 2016, stated, in pertinent part, as follows:

Household Goods (HHG): Upon receipt of the official passport, contact your Personal Property office to arrange for shipment/storage of your household

goods. Maximum weight allowance of HHG that may be transported and/or stored is 18,000 lbs. net weight for each employee.

However, since the position will be located on a U.S. military base in a remote, rural area and you will be provided with government housing in shared accommodations, limited shipment of personal household goods to 600 lbs is authorized. Shipment of Privately Owned Vehicles, motorcycles, and mopeds, regardless of motorcycle or moped size is prohibited. Therefore, storage of personal household goods at government expense is provided in lieu of shipment. If you are going to store your HHG in non-temporary storage in the U.S., request the DD Form 1164 and Point of Contact (POC) information from the Personal Property Office (PPO) that will be taking care of the storage. The DD Form 1164 must be provided to our office upon arrival so that we can provide the PPO the yearly funding citation to pay for the storage.

The agency did not promise Mr. Blake, in its tentative job offer, that he could store his POV at government expense. Nonetheless, the agency acknowledges that the job announcement issued by the Department of the Navy Civilian Human Resources office provided incorrect information concerning POV storage, as did Mr. Blake's command through the provision of an information sheet containing the same incorrect instructions.

In any event, Mr. Blake received instructions to take his vehicle to a storage facility located approximately 580 miles from his residence. Upon arrival, the employee at the storage facility informed him that government civilian employees could not store vehicles at that location. Mr. Blake returned to his residence and found a commercial storage location near the scheduled point of departure and traveled to his new location in Romania.

Mr. Blake seeks reimbursement for the cost of storing his vehicle. In response, the agency states that "there is no provision in the JTR providing for POV storage in conjunction with a first duty station travel to OCONUS [outside the continental United States]." The agency asserts that the claim must be denied on this basis.

The agency is correct. While the JTR authorizes for military members POV storage where POV transportation to a foreign permanent duty station is not authorized, *see* JTR 5380-B, no parallel JTR provision exists for the storage of POVs for civilian employees of military departments. *See Romeo Ayalin III*, CBCA 1533-RELO, 09-2 BCA ¶ 34,218; *Teresa M. Erickson*, GSBCA 15210-RELO, 00-1 BCA ¶ 30,900; *Kelvin R. Martin*, GSBCA 14879-RELO, 99-2 BCA ¶ 30,422. The possibility of POV storage for civilian employees is limited to those assigned on "contingency operations" under 10 U.S.C. § 1482a(c)(2) (2012), in accordance with JTR 5742-B3. In those cases, POV storage for civilian employees

is limited to those circumstances when, among other limitations, “[t]he head of the agency determines it would be to the [Government’s] advantage to authorize storage of a POV.”

Here, the agency determined that civilian employees assigned to Deveselu, Romania, would have limited entitlements. These entitlements did not include storage of a POV for civilian employees. The fact that the agency provided incorrect information to Mr. Blake in some of the materials provided to him does not support his request for reimbursement. In *Martin*, a case involving very similar facts, the General Services Administration Board of Contract Appeals (GSBCA), our predecessor board that had cognizance over travel and relocation claims, rejected the claim, holding that:

[i]t is well established that erroneous advice provided by Government officials cannot, in and of itself, provide a basis for reimbursement where no independent authority for such reimbursement exists. *E.g.*, *Kenneth J. Shaw*, GSBCA 14876-RELO[, 99-2 BCA ¶ 30,426]; *Masood Badizadegan*, GSBCA 14393-RELO, 98-2 BCA ¶ 29,789; *Kevin S. Foster*, GSBCA 13639-RELO, 97-1 BCA ¶ 28,688 (1996). 99-2 BCA at 150,382.

Since the relevant statute and regulations do not provide for reimbursement of Mr. Blake’s vehicle storage costs, the agency may not make such reimbursement. The agency appropriately denied Mr. Blake’s claim.

JERI KAYLENE SOMERS
Board Judge