



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 21, 2018

CBCA 5899-TRAV

In the Matter of PAYUNGSACK KHAMSANIT

Payungsak Khamsanit, Santa Rita, Guam, Claimant.

Connie J. Rabel, Director, Travel Functional Area, Enterprise Solutions and Standards, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

RUSSELL, Board Judge.

Claimant, Payungsak Khamsanit, a civilian employee of the Defense Logistics Agency (DLA), has requested a review of the agency's denial of his claim for an excess baggage fee incurred in connection with his spouse's travel under a renewal agreement travel (RAT) order. For the reasons stated below, we deny Mr. Khamsanit's claim.

Background

While assigned to the DLA in Guam, Mr. Khamsanit was approved for a continuous overseas assignment. In February 2016, Mr. Khamsanit was authorized for RAT between his duty station of Santa Rita, Guam, and actual residence in Omaha, Nebraska. The authorization was subsequently amended to include his spouse.

Based on his travel vouchers, Mr. Khamsanit and his spouse arrived in Omaha on May 2, 2016. Mr. Khamsanit and his spouse left Omaha on May 11, 2016, and drove to San Antonio, Texas, arriving on May 12, 2016. Mr. Khamsanit and his spouse did not return to Guam together. Instead, his spouse departed San Antonio on May 15, 2016, and proceeded

to Bangkok, Thailand, arriving on May 16, 2016. Ms. Khamsanit subsequently returned to Guam on July 2, 2016. Mr. Khamsanit's claim is for a \$200 excess baggage fee incurred by his spouse during her travel from San Antonio to Bangkok.

After the filing of Mr. Khamsanit's claim with the Board, the Defense Finance and Accounting Service (DFAS) submitted a response to the claim on behalf of the agency. DFAS asserted that DLA properly denied Mr. Khamsanit's claim for the excess baggage fee because reimbursement for RAT is limited to the cost of travel between an employee's post of duty overseas and the employee's actual place of residence. Here, the fee was incurred during Ms. Khamsanit's travel from San Antonio to Bangkok on May 15, 2016. Ms. Khamsanit did not return to Guam, her husband's duty station, until July 2, 2016.

The Board provided Mr. Khamsanit with multiple opportunities to respond to DFAS's submission to the Board in support of DLA's denial of the claim. Specifically, the Board issued two orders, the second extending the date by which Mr. Khamsanit could respond to DFAS's submission. The Board also sent multiple emails to Mr. Khamsanit informing him that he could respond to DFAS's submission. However, although given multiple opportunities to do so, Mr. Khamsanit did not submit a response in further support of his claim.

Discussion

"Federal civilian employees who are transferred to posts of duty outside the continental United States are generally eligible for a benefit commonly referred to as renewal agreement travel [or RAT] when they complete a set term of service and agree to continue to work at the overseas post." *Oscar G. Rivera*, GSBICA 16332-TRAV, 04-2 BCA ¶ 32,735, at 161,911. "The purpose of RAT is to allow an employee who is stationed outside the continental United States to return to the United States between tours of duty overseas." *Daryl J. Steffan*, CBCA 3821-TRAV, 14-1 BCA ¶ 35,734, at 174,902.

Pursuant to statute, and provided that there is proper travel authorization from the employee's agency, RAT expenses for which an employee is entitled to reimbursement include:

round-trip travel of [the] employee, and the transportation of his [or her] immediate family, but not household goods, from [the employee's] post of duty outside the continental United States, Alaska, and Hawaii to the place of his actual residence at the time of the appointment or transfer to the post of duty, after [the employee] has satisfactorily completed an agreed period of service outside the continental United States, Alaska, and Hawaii and is

returning to his [or her] actual place of residence to take leave before serving another tour of duty at the same or another post of duty outside the continental United States, Alaska, and Hawaii under a new written agreement made before departing from the post of duty.

5 U.S.C. § 5728(a) (2012).

The Department of Defense's Joint Travel Regulations (JTR) implement the statutory provision limiting RAT to travel between an employee's duty station outside the continental United States and the employee's actual place of residence. JTR 7065-E.1. The JTR also expressly precludes reimbursement for expenses related to "travels to various points for personal reasons." JTR 7065-N.4(c).

From the travel documents provided to the Board, DLA approved Mr. Khamsanit and his spouse to travel round trip from his duty station in Guam and his home in Nebraska. The disputed baggage fee was incurred by Mr. Khamsanit's spouse during her travel from San Antonio to Bangkok on May 15, 2016. His spouse's travel to Bangkok was apparently for personal reasons as the spouse spent well over a month in that city before returning to Guam. Accordingly, DLA properly denied Mr. Khamsanit's request for reimbursement of the excess baggage fee as it was incurred by his spouse during travel from their home in Nebraska to a location other than Mr. Khamsanit's duty station in Guam.

Decision

Mr. Khamsanit's claim is denied.

Beverly M. Russell
BEVERLY M. RUSSELL
Board Judge