



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 31, 2022

CBCA 7172-RELO

In the Matter of SHAVON H.

Shavon H., Claimant.

Iris J. Reeves, Lead Staff Accountant, Relocation Lead, and Janis A. Corll, Financial Program Specialist, Travel Section Department, Customs and Border Protection, National Finance Center, Department of Homeland Security, Indianapolis, IN, appearing for Department of Homeland Security.

RUSSELL, Board Judge.

Claimant, an employee of the Customs and Border Patrol (agency), seeks review of the agency's denial for reimbursement of costs totaling \$986.33 for temporary quarters (TQ) expenses. The agency contends that claimant exceeded the amount for temporary quarters subsistence allowance (TQSA) that had been approved, and thus, the agency appropriately denied the requested reimbursement. For the reasons stated below, we deny the claim.

Background

The agency approved ten days of TQ expenses related to travel by claimant with a total TQSA of \$9042. The approved funds were to cover claimant's relocation costs incurred by claimant and her family prior to their departure from Bermuda, where they had been residing. Due to scheduling, claimant only used seven of her ten allotted days.

Claimant then sought reimbursement for her costs from the agency. She submitted a voucher for actual expenses for \$6223.51 to be reimbursed and, on April 20, 2021, the agency reimbursed the claimant \$6223.51. Claimant submitted a second voucher seeking reimbursement of \$7315.73, apparently inclusive of the \$6223.51 already reimbursed. The agency reimbursed her \$95.89, but otherwise denied the additional amounts sought under the

second voucher. The agency calculated the maximum TQSA allowed by dividing the approved amount of \$9042 by the ten days allotted to claimant, for a per-day rate of \$904.20. This was then multiplied by the seven days that claimant actually used, totaling \$6329.40.

Claimant states that there is no clear written rule or distinction regarding daily maximums for TQSA. She also contends that the Federal Travel Regulation does not offer any guidance on a daily maximum being exceeded. Claimant requests that the Board grant her claim for reimbursement.

Discussion

“Congress has authorized agencies to pay a TQSA to employees in foreign areas who live in temporary quarters and are not provided Government owned or rented quarters without charge.” *Miriam E. Bolaffi*, CBCA 4029-RELO, 15-1 BCA ¶ 35,962 (quoting *Okyon Kim Ybarra*, GSBCA 15407-RELO, 01-1 BCA ¶ 31,334).

“The President has delegated to the Secretary of State authority to issue regulations which implement statutes providing for overseas pay differentials and allowances, including TQSA.” *Id.* These regulations are stated in the Department of State Standardized Regulations (DSSR), which “have the force and effect of law.” *Bolaffi* (quoting *Gordon D. Giffin*, GSBCA 14425-RELO, 98-2 BCA ¶ 30,100). The DSSR includes a section regarding how TQSA rates are to be calculated:

The daily actual expenses for temporary lodging, meals (including groceries consumed during occupancy of temporary quarters), fees and tips incident to meals and lodging, laundry and cleaning of clothing will be totaled for each 30 day period to permit a comparison with the maximum amount for each specified period. If less than a 30 day period is authorized, or used, *the maximum allowable amount will be based on the number of days authorized, or used, multiplied by the applicable daily rate.*

DSSR 125 (emphasis added).

Because claimant’s authorized TQSA period was less than thirty days, the agency calculated the daily rate at \$904.20 by dividing the authorized TQSA of \$9042 by the ten days claimant was authorized to use it. Then the agency multiplied the daily rate by the seven days that claimant actually used, totaling \$6329.40. Claimant’s second reimbursement voucher was for \$7219.84, which exceeded the allowable, total TQSA amount. Because the agency properly calculated the maximum allowable amount pursuant to DSSR 125, it is not required to reimburse claimant for the additional amount sought.

Decision

For the reasons stated herein, the Board denies the claim.

Beverly M. Russell
BEVERLY M. RUSSELL
Board Judge