



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 8, 2023

CBCA 7687-RELO

In the Matter of KURT M.

Kurt M., Claimant.

Virginia Guerrero Torres, Human Resources Specialist, Human Resources Office, Rota, Office of Civilian Human Resources, Department of the Navy, FPO Area Europe, appearing for Department of the Navy.

VERGILIO, Board Judge.

The agency appropriately denied reimbursement to the claimant seeking temporary quarters subsistence allowance (TQSA) for lodging, meals, and incidentals for the periods the claimant was not within a reasonable proximity of the permanent duty station. The claimant does not recover the claimed expenses or keep any of the paid amounts connected to the too distant lodgings.

As defined in the Department of State Standardized Regulations (DSSR), and here applicable, TQSA

means an allowance granted to an employee for the reasonable cost of temporary quarters, meals and laundry expenses incurred by the employee and/or family members:

a. for a period not to exceed 90 days after first arrival at a new post in a foreign area or a period ending with the occupation of residence (permanent) quarters, if earlier[.]

DSSR 121. The stated purpose of TQSA is to assist in covering the cost of accommodations *at the post of assignment*, plus reasonable meal and laundry expenses. DSSR 122.1. In

determining the rate to be applied, the regulation specifies that “[t]he location of the temporary quarters must be within reasonable proximity of the post.” DSSR 125. This language is repeated in agency guidance provided to the claimant prior to travel.

Upon arrival at a permanent duty station outside the continental United States, with a start date seemingly in July 2022, the claimant (a civilian employee) and family spent some long weekends, not connected to official assignments, away from the duty station. The travel distance from the duty station to the claimed locations of lodging varied from approximately seventy-eight to 162 miles. The claimant sought reimbursement for lodgings and meals connected with these stays. In denying reimbursement (in one instance after payment and in three others before payment), the agency concluded that the temporary quarters were not within reasonable proximity to the post of duty.

The agency’s conclusion is fully consistent with the DSSR and consistent with case law. The agency is vested with discretion to determine what constitutes reasonable proximity from a given post at a given time. *John Chris Paitson*, CBCA 5551-RELO, 17-1 BCA ¶ 36,719 (Board does not alter agency determination that temporary quarters located approximately ninety-three miles or more from duty station were not within reasonable proximity). Although the claimant maintains that he deems the distant locations to be within reasonable proximity, he is not the determining official. The distances here are beyond a normal commute, as the agency has determined.

Many (if not all) of these cases involving reasonable proximity could be avoided if the agency provided a traveler with an official determination of reasonable proximity prior to the start of TQSA. The definition provides flexibility so that an official determination can be made consistent with the particulars of a given post of assignment.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge