



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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April 6, 2016

CBCA 5094-RELO

In the Matter of ROBERT R. DeVISSER

Robert R. DeVisser, Huntsville, AL, Claimant.

Thomas S. Spahr, Director, Travel Functional Area, Enterprise Solutions and Standards, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

**HYATT**, Board Judge.

Claimant, Robert R. DeVisser, a civilian employee of the Department of the Army, Army Contracting Command, accepted a transfer from his official duty station at the regional contracting office, located at the United States Embassy, in Bogota, Colombia, to Redstone Arsenal, near Huntsville, Alabama. He seeks the Board's review of the disallowance of his claim for reimbursement of the expenses of a househunting trip.

Background

Mr. DeVisser was issued permanent change of station orders, transferring him from Bogota to Redstone Arsenal, on May 21, 2015. These orders did not authorize a househunting trip. Subsequently, on June 2, 2015, the gaining activity approved a five-day househunting trip, and the travel orders were amended accordingly. Mr. DeVisser's spouse took a househunting trip to Redstone Arsenal, leaving on June 8, 2015, and returning to Colombia on June 13, 2015.

After the move, Mr. DeVisser submitted a voucher for reimbursement of relocation expenses, including the cost of the househunting trip. The househunting trip expenses were deemed unallowable by the Defense Finance and Accounting Service (DFAS) under

applicable provisions of the Federal Travel Regulation (FTR) and the Joint Travel Regulations (JTR).

Mr. DeVisser had been transferred to Bogota from San Diego, California, and did not have a residence to return to in Huntsville, Alabama. The Army offered to reimburse the expenses of a househunting trip as an incentive for Mr. DeVisser to accept the transfer and to lessen the financial burden of moving to a new location.

### Discussion

As set forth in the FTR, the househunting trip expenses allowance authorizes agencies, in prescribed circumstances, to reimburse a transferring employee for expenses incurred for a trip to the new official station locality to find permanent living quarters. 41 CFR 302-5.1 (2015). The trip is intended to “facilitate and expedite the employee’s move from the old official station to the new official station and to lower the Government’s overall cost for the employee’s relocation” by reducing the employee’s need to occupy temporary quarters. *Id.* 302-5.2; *Carolyn Gonzalez*, CBCA 5091-RELO (Mar. 22, 2016). The FTR expressly limits eligibility for such an allowance, however, to a transferring employee for whom “both [the] old and new official stations are located within the United States.” 41 CFR 302-5.3(a). Since Mr. DeVisser’s duty station prior to the transfer was in Bogota, Colombia, he was not eligible to be reimbursed for the expenses of a househunting trip. As such, DFAS properly determined that the expenses could not be reimbursed.

Mr. DeVisser points out that he relied on the travel orders and incurred these expenses with the expectation that he would be reimbursed. He adds that the disallowance of the expenses imposes a financial hardship on his family. His consternation is understandable. Unfortunately, even though the travel orders purported to create an entitlement, and Mr. DeVisser relied on them to his detriment, the Board, on numerous occasions, has recognized that erroneous travel orders, reflecting mistaken assumptions on the part of authorizing officials, cannot obligate the Government to expend monies contrary to regulation. *Amir A. Guirguis*, CBCA 4657-TRAV, 15-1 BCA ¶ 36,141, at 176,402 (citing *Ramsey D. Lockwood*, CBCA 3556-RELO, 14-1 BCA ¶ 35,560); *accord Brian D. Zbydniowski*, CBCA 4951-TRAV, 16-1 BCA ¶ 36,223; *James A. Kester*, CBCA 4411-RELO, 15-1 BCA ¶ 35,966; *Michael W. Chen*, CBCA 3440-TRAV, 14-1 BCA ¶ 35,729. Although we sympathize with claimant’s frustration, the Board, like the agency, has no authority to authorize a payment that is not permitted by the relevant regulations. *See, e.g., Milton Brown*, CBCA 4998-RELO, 16-1 BCA ¶ 36,205, at 176,663-64 (2015); *Benjamin A. Knott*, CBCA 4579-RELO, 15-1 BCA ¶ 36,019, at 175,922. Once again, we find ourselves expressing the hope, as we

did in *Kester*, and the cases cited therein, that agencies will undertake to ensure that their travel and transportation officials provide more accurate advice to employees who travel or relocate for the Government so that situations like this are avoided.

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CATHERINE B. HYATT  
Board Judge