



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 28, 2018

CBCA 6015-RELO

In the Matter of VICKEY M. MOUZE

Vickey M. Mouze, Tampa, FL, Claimant.

Zeb T. Swinney, Lead Financial Systems Analyst, Travel Functional Area, Enterprise Solutions and Standards, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

SULLIVAN, Board Judge.

The Defense Finance and Accounting Service (DFAS) has submitted on behalf of Vickey M. Mouze her appeal of the agency's determination that it cannot reimburse her for certain costs she incurred when she moved from Hawaii to Fort Knox, Kentucky. We determine that DFAS owes Ms. Mouze \$1288.92 for the shipment of her household goods, but properly denied Ms. Mouze the temporary quarters allowance that she seeks.

Background

Ms. Mouze transferred from Fort Hood, Texas, to Schofield Barracks, Hawaii, in 2009. In 2012, Ms. Mouze accepted an assignment at Fort Knox, Kentucky. She was informed by U.S. Army Pacific Command that she would not be reimbursed travel expenses because she had forfeited her rights to return to her position at Fort Hood. Ms. Mouze purchased her own airfare, shipped her remaining household goods, and reported to Fort Knox in November 2012. Ms. Mouze retired from federal service in 2015.

After Ms. Mouze reported to her new duty station, Schofield Barracks issued her travel orders, which authorized the payment of airfare, per diem, and household goods shipment expenses, but not the payment of temporary quarters subsistence expense (TQSE). In August 2017, the agency amended Ms. Mouze's travel authorization to permit the payment of TQSE.

After she retired, Schofield Barracks contacted Ms. Mouze and asked whether she would be submitting a request for reimbursement of expenses incurred in connection with her relocation. In May and September 2017, DFAS approved the reimbursement of the costs of airfare and per diem costs as expenses incurred upon return to the continental United States after an overseas assignment. DFAS denied Ms. Mouze reimbursement of the costs incurred to ship her household goods because it did not have two items: a signed service agreement and a determination from the responsible transportation office that the costs Ms. Mouze incurred were no more than the cost the Government would have incurred to ship her goods. The record before the Board contains an e-mail from a transportation office stating that the Government would have incurred greater costs to ship Ms. Mouze's goods. DFAS also denied Ms. Mouze's request for reimbursement of TQSE.

Discussion

The same authority that required the agency to pay the costs of Ms. Mouze's airfare and per diem as part of travel returning from an overseas assignment requires the agency to reimburse Ms. Mouze the costs of shipping her household goods. An agency is required to pay "the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty . . . [and] the expenses of transporting, [and] packing . . . [of] household goods and personal effects not in excess of 18,000 pounds net weight." 5 U.S.C. § 5724(a) (2012). An agency must pay these benefits once an employee finishes an overseas assignment. 41 CFR 302-3.207 (2012); *William G. Sterling*, CBCA 3424-RELO, 13 BCA ¶ 35,438, at 173,816. An employee need not have signed a new service agreement to be reimbursed for these items upon return from an overseas assignment. *Sterling*, 13 BCA at 173,816. The fact that Ms. Mouze relinquished her right to return to her position of employment at Fort Hood, Texas, pursuant to a separate statutory authority (10 U.S.C. § 1586) does not alter Ms. Mouze's right to be reimbursed. The responsible transportation office has determined that the cost Ms. Mouze seeks is less than the cost the Government would have incurred to ship Ms. Mouze's household goods back to Fort Worth. *See* 41 CFR 302-7.401. Nothing more is required.

DFAS properly denied Ms. Mouze's claim for TQSE. Ms. Mouze was not authorized TQSE in her original orders. The agency later chose to amend those orders, years after Ms. Mouze incurred the costs. Although the authorization of the payment of TQSE is

discretionary for the agency, the expense must be authorized before the temporary quarters are occupied. 41 CFR 302-6.7.

Decision

Ms. Mouze's claim is granted in part. DFAS shall reimburse Ms. Mouze \$1288.92 for the shipment of her household goods as part of her return rights travel upon completion of an overseas assignment.

MARIAN E. SULLIVAN
Board Judge