UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 30, 2007

CBCA 728-RELO

In the Matter of RONALD C. WILLIAMSON

Ronald C. Williamson, Anchorage, AK, Claimant.

Lori Brock, Chief, Travel Section, Financial Services Center, Department of Veterans Affairs, Austin, TX, appearing for Department of Veterans Affairs.

POLLACK, Board Judge.

Background

Mr. Ronald C. Williamson was authorized to relocate from Salt Lake City, Utah, to Anchorage, Alaska. Specific dates have not been provided; however, a Department of Veterans Affairs (VA) form titled Travel Authority for Permanent Duty shows his date of actual travel to Anchorage beginning on December 27, 2006, and his reporting date as January 7, 2007. It is presumed that he arrived in Anchorage by his reporting date. This claim involves costs associated with the move as well as costs associated with lodging and per diem incurred from December 23 to 26, 2006, in Colorado Springs, Colorado. Mr. Williamson was authorized reimbursement of actually-incurred temporary quarters subsistence expenses.

Federal Travel Regulation (FTR) 302-6.9 states, "You and/or your immediate family may occupy temporary quarters at Government expense within reasonable proximity of your old and/or new official stations. Neither you nor your immediate family may be reimbursed for occupying temporary quarters at any other location, unless justified by special circumstances that are reasonably related to your transfer." 41 CFR 302-6.9 (2006).

On February 20, 2007, Mr. Williamson claimed $10,307.19, of which he was reimbursed $8843.23. The reimbursement was handled by Cartus Relocation Accounting

on behalf of the VA. The VA disallowed $1463.96, which was set out and identified as follows:

> Suspended $75.00 for pet fees on the ferry, not policy. Suspended $275 for en route meals over the obligated amount. Suspended $236.96 for TQ [temporary quarters] lodging in Colorado, and $419.00 for TQ meals in Colorado this is not policy. Suspended $94.00 of expenses listed as miscellaneous with out [sic] receipts. Suspended $290.00 for TQ lodging taxes that were refunded. Suspended $74.00 for a math error.

Two of the items were denied because the costs were incurred in Colorado and the decision to deny was based on the conclusion that the regulation only permitted reimbursement of expenses incurred within a reasonable proximity of Mr. Williamson's old or new duty station. There is no dispute that Colorado Springs was not in proximity to either Salt Lake or Anchorage. Mr. Williamson went to Colorado and stayed there, in lieu of Salt Lake or Anchorage, so that he could spend time with his son over Christmas. The time claimed for the disputed lodging in Colorado was evidenced by a receipt from the Econo Lodge in Colorado Springs dating from December 23 to 26, 2006. There is no issue as to the above dates nor any indication that Mr. Williamson was not authorized on the above dates to use temporary quarters. Rather, the VA has denied reimbursement on the basis that the regulations do not allow reimbursement for lodging which is not in proximity to either the new or old duty station.

In response to the denial, Mr. Williamson filed a letter dated April 17, 2007, sent to the Board, which we treated as his appeal. Mr. Williamson described his "right to reclaim," as follows:

> 1. $75.00 on pet fees - we only spent $25.00 on pet fees.
> 2. The $94 was for laundry, which we informed them of.
> 3. $290 for lodging taxes that were refunded were not refunded.
> 4. I am contesting the TQ lodging in Colorado and TQ meals. Our household goods were moved out and we had to stay somewhere. We decided to stay in Colorado so I could spend Christmas with my son and granddaughter. It is unfair to stay at Salt Lake City in TQ and not be able to see my

> son at Christmas. Please review this for an exception.

As is evident from the above, Mr. Williamson did not put a specific dollar figure on Item 4. However, relying on government documents, we can arrive at those figures.

After the claim was docketed the Board gave each party an opportunity to provide additional information. The VA provided a letter of further explanation, dated May 31, 2007. Mr. Williamson was given an opportunity to reply to the VA letter. He declined to comment, however, and advised the Board by telephone on July 19 that he would not be submitting any further filings.

In its letter, the VA reiterated much of what it included on the form where it disallowed the costs claimed. As to new information, the VA advised that it denied the $75 in pet fees on the ferry on the basis of its understanding of the ruling in *Felicia H. Peterschmidt*, GSBCA 15843-RELO, 02-2 BCA ¶ 31,988. The VA stated that Mr. Williamson was denied $94 for miscellaneous expenses incurred while traveling en route and while in temporary quarters due to Mr. Williamson's lack of description concerning these costs when he submitted his expenditures. According to the VA, at the time the claims were denied, the Government was not aware that the $94 he claimed as miscellaneous was related to laundry, as now stated by Mr. Williamson in his claim.

The VA also addressed the denial of $290, which had been identified on the form as for refund for taxes. The VA stated that at the time it was denied, the VA incorrectly communicated the reason to Mr. Williamson why the $290 was denied. The VA noted that the "auditor" (in the disallowance) had explained the reason as being taxes had been refunded to Mr. Williamson. That was consistent with Mr. Williamson's position. In further explanation, the VA stated that the statement as to taxes being refunded was only partially accurate. The explanation continued, saying that Mr. Williamson had requested reimbursement for temporary quarters in the amount of $1500 for the time period of January 19 through January 28, 2007. The total room charges for this period of time were $1354.20, thus making the actual amount incurred $145.80 less then the amount submitted for. The $145.80 was thus denied. In addition, included in this lodging invoice was information showing that all previous room taxes charged to Mr. Williamson were credited to his account on February 6, 2007. The room tax was $14.52 per day. This multiplied by ten days calculates to a $145.20 credit that was also applied. These two amounts ($145.80 and $145.20) were totaled and rounded to the amount denied of $290. Finally, the VA reiterated that $74 was deducted as a math error for the ferry costs.

Discussion

The largest sum claimed by the claimant is the amount he was denied for lodging and meal costs which were incurred while he visited family in Colorado over the 2006 Christmas holiday. Mr. Williamson does not argue that Colorado Springs was within proximity to the new or old duty station. However, he implicitly asserts that the sums he is claiming are the same as if he had stayed in a hotel in Salt Lake City and thus it is unfair not to reimburse him, simply because he went to see his son at Christmas in Colorado, rather than staying in Utah, where reimbursement would have been authorized.

The language of the regulation permits reimbursement only where the temporary quarters is in reasonable proximity to the new or old duty station. Colorado Springs does not meet that standard. In *Christine G. Davis*, B-254837 (May 27, 1994), the Comptroller General (CG) addressed essentially the same language as in the current FTR. There the CG addressed three different weekend trips, taken while the employee was in temporary quarters, and allowed reimbursement for temporary quarters in two instances. The CG denied the third trip, a trip made to celebrate the employee's son's birthday with his grandparents. In denying reimbursement for the latter, the CG concluded that to celebrate the birthday was "personal and unrelated to the employee's transfer." Therefore, the CG denied the employee reimbursement incident to that trip.

There, as here, there was no indication that the employee was claiming lodging for more than one location. Here, just as in *Davis*, the trip to Colorado, while it coincided with the time of transfer, was also personal and unrelated to the transfer. Based on *Davis*, we sustain the disallowance for the charges incurred in Colorado. We do note that the regulations do allow for exceptions, "justified by circumstances unique to the individual employee or employee's family that are reasonably related to the transfer." A decision on that matter is one to be made in the first instance by the agency and not by this Board. *See also Elmer L. Grafford*, GSBCA 14176 RELO, 98-1 BCA ¶ 29,700.

Turning to the other issues, our predecessor board in deciding these claims concluded that costs associated with lodging of a pet are not covered. The costs being claimed here, special handling of the pet on the ferry, are analogous to the lodging of pets and as such we sustain the denial of the pet fees. *Mary Sue Hay*, GSBCA 16104-RELO, 03-2 BCA ¶ 32,355; *Felicia H. Peterschmidt*, GSBCA 15843-RELO, 02-2 BCA ¶ 31,988. Additionally, the claimant identifies the fees as $25, not $75.

As to the denial of $275 for being in excess of the allowed per diem, neither side has provided us the specifics. However, the Government has stated the basis for its denial and the claimant has not provided us with any detail or basis to find against the Government's

decision. Accordingly, we sustain the VA decision on this matter. Similarly, the Government explanation as to the disallowance for $290, the taxes and overcharge appears reasonable and once again, the claimant has given us nothing which supports a contradiction or overturning of the VA position. Finally, the claimant does not challenge the $94 disallowed due to a math error. On all these issues we find for the VA.

The last item is the laundry costs. Laundry costs are appropriate for reimbursement. However, the claimant apparently did not identify the costs when it made its submission and never provided the Government with any basis to corroborate its number. Moreover, the claimant has in this proceeding provided us nothing, other than the statement that the costs were for laundry. If at this stage the claimant wanted the Board to find for it, the claimant needed to provide us with a basis for its number that was more than simply a statement that it was incurred. The claimant has not done that. Accordingly, on the record before us, we find no basis to allow the alleged laundry costs.

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HOWARD A. POLLACK
Board Judge