



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 15, 2012

CBCA 2504-TRAV

In the Matter of GARY L. WATSON

Gary L. Watson, Yokosuka, Japan, Claimant.

Kathryn A. Mercer, Deputy Comptroller, Puget Sound Naval Shipyard and Intermediate Maintenance Facility, Puget Sound, Bremerton, WA, appearing for Department of Defense.

SOMERS, Board Judge.

Gary L. Watson (claimant) seeks reimbursement of \$2656.36 for travel expenses incurred for transporting three pets during an authorized departure evacuation from Yokosuka, Japan, in March 2011. At the time of travel, claimant was a civilian employee with the Puget Sound Naval Shipyard and Intermediate Maintenance Facility (PSNS & IMF), a Department of Defense (DoD) field activity based at Yokosuka. The agency denied his request for reimbursement on the grounds that the applicable statutes and regulations do not authorize such a reimbursement. Mr. Watson disagrees with the agency's determination and has asked the Board to review it. We find that the agency properly denied Mr. Watson's claim, for reasons explained below.

Background

In March 2011, an earthquake and subsequent tsunami struck the northeast coast of Japan. As a result, DoD immediately issued a memorandum approving the voluntary authorized departure (AD) from the island of Honshu, Japan, of eligible family members (EFMs). Mr. Watson, as a civilian employee, received travel orders authorizing him to evacuate the island and to travel to a designated safe haven within the continental United States. A subsequent amendment to the travel orders provided for his wife's transportation

expenses. Mr. Watson incurred additional expenses when he transported three pets from Honshu, Japan, to Washington State, his designated safe haven. The agency denied his request for reimbursement of these expenses, explaining that the regulations governing evacuations do not permit reimbursement for the transportation of pets.

Discussion

Section 5725 of title 5 of the United States Code authorizes the government to pay for the transportation expenses of the dependents of a government employee, as well as the expenses incurred in transporting household goods from a foreign location to a safe-haven location within the continental United States, when an evacuation is ordered or authorized. This entitlement is implemented by Chapter 600 of the Department of State Standardized Regulations (DSSR), and reproduced in the Defense Department's Joint Travel Regulations (JTR). Reimbursements for expenses incurred as a result of an evacuation order are governed by JTR C6005.

Nothing in the DSSR or the JTR provides for the transportation of pets at government expense during an evacuation. In addition, the order authorizing the evacuation from Honshu, Japan, expressly stated that "families are financially responsible for the movement of pets to and from the theater. Transportation of pets at government expense is not an entitlement."

Mr. Watson disputes the agency's position and points out that when he transferred to Japan in 2008, the government reimbursed him for costs incurred in transporting his pets.¹ The agency correctly points out that different regulations govern permanent change of station (PCS) moves. The agency reimbursed Mr. Watson for miscellaneous expenses pursuant to JTR C5305, which applies to PCS moves, not to moves resulting from an evacuation order. The JTR allows reimbursement, as a miscellaneous expense pursuant to a PCS move, "costs associated with dogs, cats, and other house pets . . . limited to transportation and handling costs . . ." The JTR, however, does not provide for the same type of reimbursement for expenses incurred during an evacuation.

¹ In his reply, Mr. Watson seeks to appeal the amount in which the agency reimbursed him for costs incurred during the PCS move. Because Mr. Watson has not yet presented this aspect of his claim to the agency for initial adjudication, we do not possess jurisdiction to entertain it. See *Kenneth T. Jones*, CBCA 2117-RELO, 11-1 BCA ¶ 34,712, citing Board Rule 401 (48 CFR 6104.401).

Since the relevant statute and regulations do not provide for reimbursement of Mr. Watson's pet transportation expenses incurred pursuant to an evacuation order, the agency may not make such reimbursement. *Grace E. Bernasek*, GSBICA 14547-RELO, 98-1 BCA ¶ 29,729. The agency appropriately denied Mr. Watson's claim.

JERI KAYLENE SOMERS
Board Judge