



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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May 8, 2014

CBCA 3540-RELO

In the Matter of SARA E. YOUNG

Sara E. Young, Vicenza, Italy, Claimant.

Michael J. Prock, Director, Area I and II Civilian Personnel Advisory Center, Civilian Human Resource Agency, Far East Region, Seoul, South Korea, appearing for Department of the Army.

**SOMERS**, Board Judge.

Claimant, Sara E. Young, an international relations specialist with the Department of the Army, asks the Board to review her agency's failure to reimburse her for moving expenses after she separated from the Government. Ms. Young seeks to be reimbursed for the constructive cost of moving from Seoul, South Korea, to Issaquah, Washington. These costs are identified as "constructive costs" because Ms. Young actually moved from South Korea to Vicenza, Italy.

Background

After completion of her tour of duty with the United States Army in South Korea, Ms. Young presented her letter of resignation and received travel orders. The orders reflected Ms. Young's actual residence as Issaquah, Washington, with her alternate destination as "Village VI, Italy." These orders authorized reimbursement for travel, shipment and temporary storage of her household goods and unaccompanied baggage, and shipment of her personal vehicle. The orders instructed Ms. Young to submit her travel claim to the Defense Finance and Accounting Service (DFAS)-Rome.

Ms. Young contacted the transportation office to arrange for a personally procured move (PPM) authorization. The transportation officer confirmed by e-mail message in April 2013 that Ms. Young could make a PPM to Italy, but that her reimbursement would be limited to the constructive cost of shipping her goods from Korea to her home of record of Issaquah, Washington.

With this approval, Ms. Young contacted DFAS-Rome to obtain an advance payment for the move. Ms. Young indicated that the move had been approved on a constructive cost basis, based upon her return transportation allowance from Korea to Issaquah, Washington. DFAS-Rome did not approve her request because her orders did not reflect this plan. After many e-mail message exchanges, Ms. Young personally paid for all of her travel and transportation expenses; it became clear to her that nothing would be resolved by her resignation and travel dates. A memorandum dated May 23, 2013, authorized Ms. Young reimbursement for the purchase of official airline tickets for performing her change of station, with a maximum rate of \$552.70 per traveler. Nothing else appears to have been resolved before claimant's move.

On July 1, 2013, Ms. Young submitted to the DFAS Travel Pay Section a travel voucher for lodging, transportation to the airport, airfare from Korea to Venice, Italy, excess baggage, and lodging. DFAS rejected her claim because she had failed to properly complete her travel voucher, and her orders required amendment to authorize the purchase of airfare.

In the agency response, the agency agreed that Ms. Young was authorized to be reimbursed for her airfare, but was not entitled to reimbursement for excess baggage. The agency does not address reimbursement for shipping household goods. The agency notes that the claim is not actually against the Civilian Personnel Advisory Center (CPAC) but, instead, the DFAS Travel Pay Section.

Ms. Young responded to the agency's comments by stating that this is a classic Catch-22 situation, meaning that DFAS denied payment because the orders had not been amended, while the authority responsible for amending the orders refused to amend them. On the issue of obtaining reimbursement for her airfare, Ms. Young explains:

USFK's [United States Forces Korea's] Commercial Travel Office (CTO) told me that USFK regulations state that they cannot procure airfare for PCS [permanent change of station] orders to anywhere other than the US home of record (despite my orders clearly stating Venice, Italy as an alternate destination). I therefore asked CPAC to amend my orders to reflect allowance for "personally procured airfare," but they refused to make the amendment, stating that the only form of airfare authorized for PCS travel is through the

CTO. Due to the inconsistency in the individual offices alleged regulations, the CTO issued me the attached memo authorizing me to personally procure the airfare. I provided this memo to CPAC, but they still refused to issue an amendment to my orders. I was told, however, by both CPAC and the CTO that if I submitted the memo to DFAS with my travel claim I would be reimbursed. However, DFAS denied the claim because the amendment was never put on my orders.

Claimant confirms that she has not received reimbursement for any of her expenses, despite being promised reimbursement in her original transportation agreement. The record contains all receipts related to her travel and transportation expenses.

### Discussion

Agencies must pay travel and transportation expenses “on the return of an employee from [her] post of duty outside the continental United States to the place of [her] actual residence at the time of assignment to duty outside the continental United States.” 5 U.S.C. § 5722(a)(2) (2012). The Federal Travel Regulation states the following under the heading “Relocation Separation – Overseas to U.S. Return for Separation”:

**Must my agency pay for return relocation expenses for my immediate family and me once I have completed my duty OCONUS [outside the continental United States]?**

Yes, once you have completed your duty OCONUS as specified in your service agreement, your agency must pay one-way transportation expenses for you, for your family member(s), and for your household goods.

41 CFR 302-3.300 (2012). The regulation contemplates the possibility of an employee returning to a location other than the original place of residence, stating:

**May I transport my household goods to a location other than my actual place of residence when I separate from the Government?**

Yes. If you have successfully completed your service agreement, you may transport your household goods to a location other than your actual place of residence when you separate from the Government. However, the cost cannot exceed what it would cost to your actual place of residence. Any additional cost will be borne by you.

41 CFR 302-301. This provision is mandatory. *See, e.g., William G. Sterling, CBCA 3424-RELO, 13-1 BCA ¶ 35,438, reconsideration denied, 14-1 BCA ¶ 35,483; Michael W. Silva, CBCA 1707-TRAV, 10-1 BCA ¶ 34,354.*

The supplemental Joint Travel Regulations (JTR) provide:

#### SEPARATION TRAVEL FROM OCONUS DUTY

Eligible Employee: An employee is authorized travel and transportation allowances to the actual residence upon separation from Federal service if the employee has:

1. A service agreement providing for return travel and transportation allowances; and
2. Served the period required in the current service agreement or that service period requirement has been waived because separation is for reasons beyond the employee's control that are acceptable to the employee's activity; and
3. Resigned or been separated involuntarily. A resignation must be executed before the employee leaves the OCONUS activity.

JTR C5085-A. The JTR also provide:

#### B. Separation Travel and Transportation Allowances.

An employee is:

1. Authorized travel and transportation allowances for travel from the OCONUS PDS [permanent duty station] to the actual residence established at the time of appointment/transfer to the OCONUS PDS.
2. Authorized travel and transportation allowances for travel to an alternate destination NTE [not to exceed] the constructed cost of travel from the OCONUS PDS to the actual residence.
3. Personally financially responsible for any excess costs.
4. Not authorized travel and transportation allowances if separated from a PDS in the same locality as the actual residence/alternate location.

5. Not authorized per diem for dependents, TQSE [temporary quarters subsistence allowance], MEA [miscellaneous expense allowance], residence sale and/or purchase expenses, lease breaking expenses, NTS [non-temporary storage] of HHG [household goods], RIT [relocation income tax] allowance, and relocation services upon separation as are authorized for reimbursement for a transferred employee.

JTR C5085-B (case citations omitted).

In short, the relevant statute and implementing regulations provide that an employee is entitled to transportation and shipment of household goods to the place the employee relocates after separation from an OCONUS station. If the employee chooses to go to an alternate location after separation, the employee is entitled to the allowable actual expenses in relocating to the alternate destination, not to exceed the cost of relocating to the CONUS residence at the time of overseas assignment. *See Silva; Thelma I. Grimes*, 63 Comp. Gen. 281 (1984).

Ms. Young is entitled to be reimbursed for her travel and transportation expenses for the constructive cost of moving from her OCONUS station to her home of record. The fact that the agency cannot decide whether DFAS or CPAC is responsible for resolving the claim should not be claimant's problem. By statute and regulation, Ms. Young must be reimbursed for her expenses.

The Board grants Ms. Young's claim. The claim is remanded to the agency for payment of her travel and transportation expenses, in accordance with the statutory and regulatory guidance set forth in this decision.

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JERI KAYLENE SOMERS  
Board Judge