



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 12, 2015

CBCA 4084-RELO

In the Matter of JAMES T. RUBEOR

James T. Rubeor, Kirtland Air Force Base, NM, Claimant.

Sheila Melton, Director, Travel Functional Area, Enterprise Solutions and Standards, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of the Air Force.

STERN, Board Judge.

Claimant, a civilian employee of the United States Air Force (Air Force), received permanent change of station order from the Air Force to relocate from Dobbins Air Force Base, Georgia, to Kirtland Air Force Base, New Mexico. The orders authorized claimant reimbursement for sixty days of actually-incurred temporary quarters living expenses (TQSE) and house hunting trip (HHT) expenses. The Air Force reimbursed claimant for thirty-eight days of TQSE and seven days of HHT expenses. Claimant asserts that he is entitled to fifty-three days of TQSE and seven days of HHT expenses. We conclude that neither is correct.

Background

Claimant vacated his old residence on August 18, 2012, and occupied his new residence in New Mexico on October 28, 2012. From August 19, to August 25, 2012, claimant performed seven days of HHT, and the Air Force subsequently reimbursed claimant for his expenses. Claimant sought TQSE commencing August 25, and ending October 17, 2012, a period of fifty-four days. During this period claimant performed four temporary duty (TDY) trips for the Air Force, from August 31 to September 2, 2012; from September 7 to

September 9, 2012; from September 21 to September 24, 2012; and from October 14 to October 17, 2012. The Air Force submits that claimant's wife remained at the temporary quarters only during claimant's October TDY. As a result of the TDY travel during which neither claimant nor his wife occupied temporary quarters, the Air Force reduced its reimbursement of claimant's TQSE by nine days. In addition, the Air Force reduced claimant's TQSE reimbursement for the HHT taken by claimant. The Air Force reimbursed claimant for thirty-eight days of TQSE in addition to the seven days of HHT expenses it previously paid.

Discussion

The Joint Travel Regulations (JTR) applicable to this situation provide, "If an employee is paid/reimbursed for HHT days and authorized TQSE is subsequently claimed for more than 30 days, the actual number of HHT days (NTE [not to exceed] 10) paid/reimbursed . . . are deducted from the first authorized TQSE period." JTR C5634-A.

In *Robert D. Tracy*, CBCA 3689-RELO, 14-1 BCA ¶ 35,636, we set forth the appropriate method of reimbursement in such a situation. Where the agency has approved a sixty-day period for reimbursable TQSE, the period of HHT reimbursement is subtracted from the sixty days to determine the period that TQSE will be reimbursable.

Here, claimant was authorized sixty days of TQSE and incurred seven days of HHT expenses. He is limited to a reimbursement for up to fifty-three days of TQSE. However, claimant is not entitled to reimbursement for TQSE on days that he actually did not incur TQSE expenses. The Air Force submits that no expenses were incurred on nine days for which TQSE was claimed. Claimant has not challenged this assertion. We have seen no other evidence that such costs were incurred during this period. Claimant seeks reimbursement for fifty-four days of TQSE. We subtract the nine days when no TQSE was incurred. Further, we subtract an additional day because claimant had already been paid HHT expenses for August 25. Claimant may not be paid both HHT expenses and TQSE for the same day. This leaves a period of forty-four days of TQSE that claimant is entitled to be paid.

Decision

Claimant is entitled to be reimbursed for forty-four days of TQSE.

JAMES L. STERN
Board Judge

