



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 15, 2016

CBCA 5029-RELO

In the Matter of KEITH HILL

Keith Hill, FPO Area Europe, Claimant.

Jacqueline D. Thompson, Director, Human Resources Office, United States Naval Station Rota Spain, FPO Area Europe, appearing for Department of the Navy.

DANIELS, Board Judge (Chairman).

Keith Hill was transferred by the Department of the Navy to Rota, Spain. He reported for duty on June 20, 2015, and he and his family immediately moved into temporary quarters. The Navy authorized payment of a temporary quarters subsistence allowance (TQSA), but refuses to pay for two meals the family consumed while he was eligible for receipt of this allowance. Mr. Hill asks us to review the agency's determination as to the cost of the meals.

The dispute involves the interpretation of section 125 of the Department of State Standardized Regulations (DSSR). (Pursuant to the Department of Defense's Joint Travel Regulations (JTR), civilian employees of that department in foreign areas, such as Mr. Hill, are subject to the DSSR. JTR, Introduction, B-3.c(1).) DSSR 125 says that in determining the rate at which a TQSA should be paid, "[t]he location of the temporary quarters must be within reasonable proximity of the post." Further, "[o]nly actual subsistence expenses incurred, which are reasonable in amount and incident to the occupancy of temporary quarters, shall be reimbursed."

The Navy acknowledges that Mr. Hill and his family lived in temporary quarters which were within reasonable proximity of his Rota duty station and that the meal costs in question were reasonable in amount. The agency believes that reimbursement of the costs would be impermissible, however, because the meals were eaten in locations roughly two

hours from the post – beyond reasonable commuting distance. Mr. Hill states that the meals were consumed on weekend days, while the family was driving around the area.

The Navy’s analysis of DSSR 125 is not correct. The provision requires that a TQSA reimburse an employee for “the reasonable cost of temporary quarters, meals and laundry expenses incurred by the employee and/or family members,” DSSR 121, when “[t]he location of the temporary quarters [is] within reasonable proximity of the post.” We have held, applying this requirement, that when an employee is lodging many hundreds of miles from his duty station, he is not eligible for TQSA. *David R. Bienvenue*, CBCA 4983-RELO (Mar. 8, 2016). The provision does not limit, however, the places where the employee and his family members may consume meals whose costs are reimbursable, as long as the employee continues to reside within reasonable proximity of the post. There is nothing extraordinary about a transferred employee and his family wanting to use off-duty hours to explore the area around the new duty station and to eat meals while on those jaunts.

Consequently, the claim is granted. The Navy must pay Mr. Hill the amount of the meal costs in question.

STEPHEN M. DANIELS
Board Judge