



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 23, 2016

CBCA 4967-RELO

In the Matter of LAMONTE A. JOHNSON

Lamonte A. Johnson, Fort Myer, VA, Claimant.

Michael A. Egan, Chief, Administrative Law, Military District of Washington, Department of the Army, Fort McNair, Washington, DC, appearing for Department of the Army.

WALTERS, Board Judge.

Claimant, Lamonte A. Johnson, a civilian employee of the Department of the Army, seeks reconsideration of the Board's decision of December 1, 2015, *Lamonte A. Johnson*, CBCA 4967-RELO, 15-1 BCA ¶ 36,183, which denied Mr. Johnson's claim of reimbursement for temporary quarters subsistence expenses (TQSE) in conjunction with his permanent change of station (PCS) move from Osan Air Force Base (AFB), Japan, to Fort Myer, Virginia. For the reasons explained below, reconsideration is denied.

Discussion

In our decision, we noted that TQSE reimbursement is an allowance provided to government employees as a matter solely within the discretion of their agencies and not as a benefit to which they are automatically entitled. 15-1 BCA at 176,536. In his request for reconsideration (which claimant referred to as an "appeal"), Mr. Johnson posed general questions regarding whether and how the agency followed applicable regulations and guidelines in determining not to provide him with TQSE reimbursement. The agency in response asserted that it adhered to all such regulations and guidelines, and claimant – who bears the burden of proof – has failed to demonstrate how the agency has not done so. In this

connection, claimant, as he did prior to our initial decision, raised the prospect that the agency treated others disparately in terms of permitting TQSE reimbursement, and identified a particular individual as having received TQSE reimbursement. As it did in connection with our initial decision, the agency denied any such disparate treatment. Moreover, it states without equivocation that the individual whom claimant identified did not, in fact, obtain TQSE reimbursement. Claimant has presented no evidence, documentary or otherwise, to contradict the agency. Accordingly, there is nothing in the record that would establish that the agency's decision not to authorize TQSE reimbursement for claimant represented an abuse of its discretion.

Decision

Reconsideration therefore is denied.

RICHARD C. WALTERS
Board Judge