



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 19, 2019

CBCA 6573-RELO

In the Matter of JESSICA GUYTON

Jessica Guyton, Washington, DC, Claimant.

Brian F. Binney, Office of the General Counsel, Federal Bureau of Investigation, Department of Justice, Washington, DC, appearing for Department of Justice.

SULLIVAN, Board Judge.

Claimant, Jessica Guyton, appeals the Federal Bureau of Investigation's (FBI) denial of her request to extend her authorization for temporary quarters subsistence expenses (TQSE) allowance beyond the 120-day limit and the temporary storage of her household goods (HHG) at the Government's expense beyond the 150-day limit. Because the Federal Travel Regulation (FTR) expressly proscribes extensions beyond these limits, the agency was required to deny her request.

Background

On February 22, 2019, the FBI issued orders to Ms. Guyton to transfer from Buffalo, New York, to McLean, Virginia. To facilitate Ms. Guyton's relocation, the agency hired a relocation service with a home sale program, which required a title search on Ms. Guyton's residence. Ms. Guyton and her attorney, hired at Ms. Guyton's own expense, have spent several months trying to resolve an issue that the title search purportedly showed. Because of this issue, Ms. Guyton has been unable to sell her residence in Buffalo or purchase a new home at her new duty location. In emails submitted by Ms. Guyton to the Board, the agency

acknowledges that the relocation company is responsible for the delays and difficulties Ms. Guyton has experienced.

As this process has continued without resolution, Ms. Guyton has resided at a hotel and her household goods have been stored at the Government's expense. Ms. Guyton reported for work at her new duty station on April 29, 2019. Ms. Guyton states that she will reach the 120-day maximum for TQSE reimbursement on August 18, 2019, and the 150-day maximum for HHG storage on September 19, 2019. After the FBI denied her request for an extension, Ms. Guyton filed her claim with the Board.¹

Discussion

The FTR provides that an agency may authorize a relocating employee an actual TQSE reimbursement of up to 120 days. 41 CFR 302-6.104 (2018) (FTR 302-6.104). The regulation emphasizes that “[u]nder no circumstances may [an employee] be authorized reimbursement for actual TQSE for more than a total of 120 consecutive days.” *Id.* This limit cannot be waived. *See Betsaida Ramirez*, CBCA 1923-RELO, 10-2 BCA ¶ 34,501, at 170,156 (“Even if [the agency] wanted to extend [claimant’s] eligibility, it could not do so.”). Similarly, the FTR sets a strict limit for the temporary storage of authorized HHG, stating: “Under no circumstances may temporary storage at Government expense for . . . shipments [within the continental United States] exceed a total of 150 days.” FTR 302-7.9; *see James H. Hartman, Jr.*, CBCA 5345-RELO, 16-1 BCA ¶ 36,469, at 177,715–16. “It is, of course, well-established that, absent a specific provision in statute or regulation granting an exception under certain circumstances, neither an agency nor this Board has the authority to waive, modify, or depart from the Government’s official travel regulations for the benefit of any federal employee who is subject to them.” *Charles T. Oliver*, GSBCA 16346-RELO, 04-1 BCA ¶ 32,614, at 161,405. Neither the Board nor the FBI may grant extensions for reimbursement of TQSE or for storage of HHG at the Government’s expense.

¹ In the notice of docketing, the Board directed the FBI to respond to Ms. Guyton’s claim no later than September 3, 2019. Upon review of the issues presented in the claim, we determined that a response is not necessary and Ms. Guyton is better served by a prompt decision from the Board.

Decision

The claim is denied.

Marian E. Sullivan
MARIAN E. SULLIVAN
Board Judge