



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 10, 2019

CBCA 6576-RELO

In the Matter of YIANNIS A. LOLOS

Yiannis A. Lolos, Springfield, VA, Claimant.

Alison Gray Office of Civilian Human Resources, Office of General Counsel, Department of the Navy, Washington, DC; and Jacqueline McCain, Bureau of Medicine and Surgery, Department of the Navy, Falls Church, VA, appearing for Department of the Navy.

VERGILIO, Board Judge.

Claimant seeks payment of temporary quarters subsistence expenses (TQSE) arising from a permanent change of station upon return from outside the continental United States (OCONUS) to CONUS. Claimant exercised statutory return rights from OCONUS to his prior duty station. The agency did not authorize TQSE. Payment of TQSE is discretionary. Claimant is not entitled to the requested payment.

Yiannis A. Lolos, claimant, was a civilian employee of the Department of the Navy, who exercised statutory return rights in relocating from OCONUS to the CONUS permanent duty station location from which he had departed, with a report date in May 2019. Claimant seeks \$12,262.50 as a TQSE lump sum (for self and family) based upon per diem rates at the return duty station for the period of June 24 through July 23, 2019, incurred after completion of service requirements OCONUS. The agency-issued change of station travel orders to the claimant expressly indicated that TQSE was not authorized.

The Federal Travel Regulation (FTR) explains that TQSE reflect subsistence expenses incurred by an employee or immediate family member while occupying temporary quarters (lodging obtained for the purpose of temporary occupancy from a private or commercial source). 41 CFR 302-6.1, .2 (2018) (FTR 302-6.1, .2). An agency is not obligated to

authorize payment of a TQSE allowance; the agency determines if it is in the Government's interest to pay TQSE. FTR 302-6.6; *Dennis L. Brink*, CBCA 2871-RELO, 13 BCA ¶ 35,231. As claimant notes, FTR 302-3.101, Table C, addresses transfers from OCONUS to CONUS, and identifies TQSE as a relocation allowance an agency must pay or reimburse. However, the provision also states that payment must be made "unless otherwise stated in the applicable parts." The applicable provision referenced above controls. The discretionary nature of the payment of TQSE is not altered. The Joint Travel Regulations (JTR), also applicable to Navy civilian personnel relocations, provide claimant with no support for claiming entitlement.

Being eligible for, does not equate to entitlement to, TQSE reimbursement. The agency did not authorize claimant to recover TQSE. *Ricardo G. Leano*, CBCA 6125-RELO, 19-1 BCA ¶ 37,368 (2018). The record does not demonstrate that the agency was required to reimburse TQSE to claimant, who returned to his original duty station. Claimant, who continued to rent out his residence at the original duty station upon his return, has not demonstrated any abuse of discretion by the agency in declining to authorize TQSE reimbursement.

Claimant does not prevail.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge