



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 7, 2020

CBCA 6665-RELO

In the Matter of TAE-HOON KIM

Tae-Hoon Kim, APO Area Pacific, Claimant.

Bruce K. Skillin, Director, Human Resources Office, Headquarters, United States Forces Korea, APO Area Pacific, appearing for Department of Defense.

CHADWICK, Board Judge.

Tae-Hoon Kim started a new position with Headquarters, United States Forces Korea in Pyongtaek, Republic of Korea, in July 2019. He transferred there from a non-appropriated United States government activity in Seoul, Republic of Korea. He seeks review of the agency's refusal to pay a temporary quarters subsistence allowance (TQSA).

Mr. Kim is in essentially the same regrettable position as was the claimant in *Frank Lacks, Jr.*, CBCA 1785-RELO, 10-1 BCA ¶ 34,374. In both instances, a military activity issued relocation orders expressly stating that the claimant would receive TQSA but later informed him he was ineligible for TQSA because he was ineligible for a living quarters allowance (LQA). As the agency here notes, and as we discussed in detail in denying the claim in *Lacks*, the applicable Department of State Standardized Regulations (DSSR), which apply to defense employees living overseas, make eligibility for any quarters allowance, except in rare cases, a single question—either an employee is eligible for TQSA or LQA, or he is eligible for neither. DSSR 031, 111. An agency official determined prior to Mr. Kim's relocation that he could not receive LQA. The agency did not waive the eligibility requirement for TQSA.

The agency “sincerely apologizes,” as well it should, “for any undue hardship” its incorrectly issued authorization “has caused Mr. Kim” and says it has “change[d]” its “benefits procedures to ensure employees receive error free orders.” For our part, as in *Lacks*, we can express disappointment but we cannot “right the wrong.” *Andrew J. Marks*, CBCA 672-RELO, 07-2 BCA ¶ 33,602. The agency cannot lawfully pay Mr. Kim TQSA.

Decision

The Board denies the claim.

Kyle Chadwick

KYLE CHADWICK

Board Judge