



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 27, 2021

CBCA 7055-RELO

In the Matter of TYLER L.

Tyler L., Claimant.

Dale T. Burroughs Jr., Human Resources Assistant, Civilian Human Resources Agency–Europe Region, Wiesbaden Civilian Personnel Advisory Center, Department of the Army, APO Area Europe, appearing for Department of the Army.

VERGILIO, Board Judge.

The claimant, a civilian employee with the Department of the Army, relocated while employed outside of the continental United States (OCONUS) to another position that was also OCONUS, with an entrance on duty date in November 2020. The claimant seeks review of the determination that she was ineligible to receive a living quarters allowance (LQA) and a temporary quarters subsistence allowance (TQSA) in connection with the relocation for which she was recruited while outside the United States. The claimant also seeks any other relief the Board may determine. The Board lacks the authority to resolve the LQA dispute and concludes that the claimant has not demonstrated entitlement to TQSA or other relief.

The claim for LQA (a form of employee compensation under 5 U.S.C. § 5923(a)(2) (2018)) is not one for a travel, transportation, or relocation allowance. The Board lacks the authority to resolve it. *Mary D. Wilson*, CBCA 1510-RELO, 09-2 BCA ¶ 34,184.

The claim for TQSA falls within the authority of the Board to resolve. Section 12.a of the Army in Europe Regulation 690-500.592 (Sept. 6, 2018) specifies: “TQSA may be authorized for . . . transferred employees who are eligible for LQA in accordance with this regulation.” Section 7.d of that regulation dictates: “Once employed by any Federal agency overseas without LQA, an employee transferring to Army civilian employment will not be eligible for LQA.” The claimant was employed initially without LQA; thus, there is no entitlement to the TQSA requested.

It is not material that a supervisor of the claimant supported a waiver of the requirements and would have granted TQSA, as the request was not approved. Similarly, the initial approval on travel orders for TQSA does not establish a basis for entitlement. The claimant does not receive TQSA.

The claimant bears the burden “to establish the timeliness of the claim, the liability of the agency, and the claimant’s right to payment.” Rule 401(c) (48 CFR 6104.401(c) (2020)). The claimant has not demonstrated a factual or legal basis to recover payments in addition to any received.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge