



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 28, 2022

CBCA 7378-RELO

In the Matter of ROBERT W.

Robert W., Claimant.

Connie J. Rabel, Director, Travel Mission Area, Enterprise Solutions and Standards, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

SHERIDAN, Board Judge.

In this matter, claimant requests reimbursement for two-way use of his wife's car to pick up a privately-owned vehicle (POV) that had been shipped from overseas to a vehicle processing center (VPC) following his permanent change of station (PCS). He also seeks a higher mileage rate for the trip than what he was reimbursed. The Federal Travel Regulation (FTR) and Joint Travel Regulations (JTR) authorize reimbursement for transporting the shipped POV from the VPC to the permanent duty station (PDS) and establish the mileage rate for that trip. They also authorize one-way transportation to the VPC to pick up the shipped POV. Here, claimant was unable to use the authorized transportation method for the one-way trip to the VPC, so he substituted round-trip transportation in his wife's vehicle for a one-way vehicle rental. Claimant is only entitled to reimbursement for his wife's one-way travel, even though the agency was unable to assist claimant in picking up his vehicle using a different form of transportation. The claim is denied.

Background

Claimant was issued PCS orders in August 2021 from Germany to Texas. Pursuant to these orders, claimant's POV was transported from Germany to a VPC in Grapevine, Texas.

On October 28, 2021, claimant inquired about options for traveling to Grapevine from his new PDS to obtain his vehicle. Grapevine is a city in the Dallas-Fort Worth metropolitan

area, 211 miles north of the PDS. Claimant's request for a one-way flight to Dallas was denied as not being in the best interest of the Government, and the agency, although authorizing a one-way rental car from the PDS to Grapevine, told claimant that none were available due to COVID-19 pandemic restrictions. Claimant then proposed driving with his wife to the VPC in her vehicle to pick up the shipped POV before returning to the PDS in the two vehicles. Claimant's point of contact (POC) advised claimant that mileage for both vehicles would be reimbursed.

Claimant submitted a claim for round-trip mileage for his wife's vehicle and the one-way trip for the shipped POV from Grapevine to the new PDS at the 2021 temporary duty (TDY) rate of \$0.56 per mile. The Defense Finance and Accounting Service in Rome, New York, issued a travel voucher for payment of one-way transportation to the VPC in his wife's vehicle and one-way mileage for the shipped POV at the 2021 PCS mileage-in-lieu-of-transportation (MALT) rate of \$0.16 per mile.¹ Claimant states that his wife's round-trip mileage should be reimbursable under the guidance provided by the POC and that both vehicles should be reimbursed at the higher TDY rate.

Discussion

Statute authorizes transportation of an employee's POV at government expense to, from, and between an overseas PDS and a PDS in the continental United States if the agency "determines that it is in the interest of the government" to do so. 5 U.S.C. § 5727(b)(2) (2018). Having approved POV transfer entitlements in claimant's travel authorization, the agency plainly determined that transport here was advantageous to and in the best interest of the Government. *See* 41 CFR 302-9.140, .604 (2021) (FTR 302-9.140, .604).

Although the "agency will pay the entire cost of transporting the POV from [the employee's] point of origin to [his or her] destination," FTR 302-9.104, the employee can "choose to drive [his or her] POV from [his or her] point of origin at time of assignment to the nearest embarkation port or terminal, and/or from the debarkation port or terminal nearest your destination to your post of duty at any time." *Id.* The JTR provides for reimbursements for PCS-related POV delivery and pickup when the agency transports the POV to the VPC nearest the employee's new PDS:

When a civilian employee drives a POV to or from the port or VPC, the following allowances apply:

¹ MALT is used during PCS to compensate members of the military and civilians who use private vehicles to move to their new PDS. The MALT rate is lower than the TDY rate because it only covers mileage costs related to traveling from point A to point B, whereas the TDY rate also includes vehicle operation costs. Effective January 1, 2021, the MALT rate was \$0.16 per mile, compared to the TDY rate of \$0.56 per mile.

....

- b. One-way transportation from the new PDS to the port or VPC to pick up the POV and PCS MALT for the official distance between the port or VPC and the new PDS.

JTR 054709-B.2.b. (Aug. 2021). Under this provision, the transferred employee “may be allowed reimbursement for the cost of one-way transportation from [the new PDS] to [the VPC] and mileage for his return to [the new PDS] incident to one round trip.” *Roger E. Dexter*, B-214904 (Sept. 5, 1984).

Claimant received reimbursement at the PCS MALT rate for one round-trip between the PDS and the VPC. He received \$32.32 for the one-way trip in his wife’s vehicle to the VPC and \$32.32 for the shipped POV’s return trip to the PDS. The shipment of a POV is a discretionary PCS allowance. *See* JTR 053609, 0547. While JTR 054709-B.2.b does not specify that claimant is limited to the MALT rate when he or she drives a POV to the VPC, in lieu of other forms of one-way transportation such as a one-way vehicle rental, the MALT rate should apply. Driving a vehicle to a VPC is related to PCS travel, which is reimbursed at the lower MALT rate.² Use of the MALT rate is also required to comply with Internal Revenue Service (IRS) regulations. Under the FTR, picking up a shipped vehicle is a relocation expense that must comply with IRS requirements:

For approved/authorized PCS travel by POV, the mileage reimbursement rate is the same as the moving expense mileage rate established by the [IRS] for moving expense deductions.

See FTR 302-4.300. Claimant is not entitled to the higher TDY rate for his wife’s use of her POV to transport claimant to the VPC, as the travel is directly related to his PCS allowance and is governed by those regulations. We do not grant claimant’s request for the higher mileage rate for use of his wife’s POV to transport claimant to the VPC.

Claimant is also limited to the MALT rate for his return trip in the shipped POV under the regulation, so we do not grant that portion of the claim. *See* FTR 302-4.300, -9.104; JTR 054709-B.2.b.

² The Defense Travel Management Office (DTMO) affirms that travel related to a shipped POV is part of an employee’s PCS allowance. “An eligible civilian employee receives a PCS monetary allowance in lieu of transportation reimbursement [MALT] for one-way travel between the old or new PDS and the vehicle processing center when the POV pick-up or delivery is separate from the PCS travel.” *Mileage Rates Frequently Asked Questions*, DTMO, <https://www.defensetravel.dod.mil/site/faqmileage.cfm> (last updated Jan. 24, 2022).

Claimant additionally requested reimbursement at the TDY rate for the return trip of his wife's vehicle that was used to transport him to the VPC. The JTR does not authorize compensation for the return trip of a vehicle used to pick up a POC at the VPC. The FTR affirms that claimant is only entitled to one-way transportation to the VPC and "one-way mileage cost" from the VPC to the PDS when picking up a shipped POV. FTR 302-9.104. Claimant was unable to use one-way transportation methods to travel from the PDS to the VPC as his request for a one-way flight was denied for not being in the Government's best interest. The agency authorized a one-way vehicle rental, but informed claimant that COVID-19 related rental agency restrictions would prevent him from renting a vehicle for one-way travel. Claimant argues that the agency advised him that his wife's round-trip mileage would be reimbursed, given his inability to use other methods of transportation to the VPC. As we have previously stated, "the failure of Government officials to adequately explain travel and relocation issues does not create a right to reimbursement in excess of statute and regulation." *Denise M. Szlag*, CBCA 5697-RELO, 17-1 BCA ¶ 36,813, at 179,415 (citing *David Kallman*, GSBCA 15671-RELO, 03-1 BCA ¶ 32,118). Claimant received the full allowance authorized under JTR 054709 and FTR 302-9.104 and is not entitled to additional relief.

Decision

The claim is denied.

Patricia J. Sheridan
PATRICIA J. SHERIDAN
Board Judge