



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 23, 2025

CBCA 8374-RELO

In the Matter of LAMAR D.

Lamar D., Claimant.

First Lieutenant Amanda M. Axarlis, Division Chief, Financial Operations, United States Air Force Academy, Department of the Air Force, CO, appearing for Department of the Air Force.

GOODMAN, Board Judge.

Claimant is a civilian employee of the Department of Defense (the agency). He asks the Board to review the agency's denial of reimbursement of an additional thirty days of temporary quarters subsistence expense (TQSE) incurred when he completed a permanent change of station (PCS) from a duty station outside the continental United States to a new duty station within the continental United States. We find that claimant is entitled to receive reimbursement for the additional thirty days of TQSE expenses incurred.

Background

Claimant's travel orders were issued on September 5, 2023. Block 14a, regarding TQSE, provides selections for "YES," "NO," "ACTUAL EXPENSE," and "FIXED." "NO" was selected, indicating claimant was not authorized to receive reimbursement for TQSE. Agency Response, Exhibit 8 at 7.¹ On September 14, 2023, before claimant's departure, his travel orders were amended to authorize reimbursement of thirty days of "FIXED" TQSE. *Id.* at 10. There is no evidence in the record that claimant was allowed to choose between

¹ All exhibits are attached to the agency response unless otherwise noted.

actual expense and fixed TQSE. On December 31, 2023, claimant completed his PCS. Agency Response ¶ 1.

In January 2024, claimant requested an extension of TQSE for an additional thirty days, as he was experiencing difficulty securing permanent housing and delays in the delivery of his household goods. Exhibit 3 at 3. On January 25, 2024, claimant's Senior Enlisted Leader approved an extension of fixed TQSE for an additional thirty days for a total of sixty days to allow claimant to continue to search for permanent housing. *See id.*; Exhibit 10 at 4; Agency Response ¶ 2. On the same date, claimant submitted his request for supervisory approval to the agency, with claimant requesting, "Please confirm receipt and let me know if this will suffice and be approved for my lodging extension." Exhibit 3 at 2. Later that day, claimant was informed via email: "Of course, that will be accept[ed] by the processing center [Travel Pay Center Ellsworth]." *Id.* Relying upon this communication, claimant extended his family's stay in temporary quarters, incurring expenses for an additional thirty days. Agency Response ¶ 3.

On January 24, 2024, claimant filed travel vouchers requesting payment of the initial thirty days of TQSE, for which he received reimbursement on May 17, 2024. Exhibit 6. Between February and September 2024, claimant submitted supplemental vouchers requesting payment of \$8688.39 for the additional thirty days of the previously authorized TQSE and \$29.00 for a non-reimbursable late payment charge posted on his government travel card.² Agency Response ¶ 3; *see* Exhibits 3 at 3, 10 at 4. The agency denied reimbursement for the additional thirty days of TQSE and the late payment charge for reasons stated below.

Discussion

Pursuant to the regulations in effect when claimant completed his PCS, there are two types of TQSE allowances—lump sum (TQSE (LS))³ and actual expense (TQSE (AE)). Joint Travel Regulations (JTR) 054201 (Dec. 2023).⁴ The civilian employee is paid for

² In response to a Board inquiry, claimant has confirmed that these amounts remain owing on his government travel card.

³ TQSE (LS) is often referred to in travel orders, on other forms, and in communications as fixed TQSE, as is the case here.

⁴ The agency cites to the current version of the JTR. We cite to the version in effect on the day that the employee reported for duty at the new duty station. 41 CFR 302-2.3 (2023); *see Tracy H.*, CBCA 6959-RELO, 21-1 BCA ¶ 37,790, at 183,463 n.1; *Emelda J.*

TQSE (LS) “before the occupancy of temporary lodging, eliminating the after-the-fact voucher process.” JTR 054208-A.1. A civilian employee, if offered the TQSE (LS) option, “must choose between it and TQSE (AE) and the travel order must document that decision.” *Id.* 054208-A.3.

The agency denied claimant’s voucher for reimbursement of the additional thirty days of TQSE because authorization of fixed TQSE is limited to thirty days. Agency Response ¶ 4 (citing JTR 054208-B.3). The agency also denied reimbursement because a civilian employee may not be paid for additional days beyond those originally authorized, even if he or she erroneously inferred or was told that TQSE (LS) would continue beyond thirty days. Agency Response ¶ 4 (citing JTR 054208-D).

In *Scott T. Downey*, CBCA 6777-RELO, 20-1 BCA ¶ 37,621, the Board resolved a case with circumstances similar to this case. The employee’s original travel orders authorized TQSE but did not specify whether reimbursement would be fixed (lump sum) or based on actual expenses and did not specify the number of days authorized. *Id.* at 182,644. After the employee reported to his new station, emails from the officer in charge of the employee’s unit approved the employee’s request for additional TQSE days, and amended orders were ultimately issued for a total of 120 days of TQSE. *Id.* After the employee completed his PCS, his orders were amended again to specify that TQSE would be fixed for a period of thirty days. *Id.* at 182,644-45.

The employee in *Downey* thereafter submitted his voucher and received reimbursement for thirty days of TQSE (LS). *Downey*, 20-1 BCA at 182,645. When he sought reimbursement for sixty additional days of TQSE, the agency denied reimbursement. The agency determined that, pursuant to the JTR in effect at that time, once TQSE (LS) is selected, the employee may not be paid any additional TQSE even if the TQSE (LS) is not adequate to cover TQSE expenses because TQSE (LS) is limited to no more than thirty days with no extensions under any circumstances. *Id.*

The TQSE election regulation cited in *Downey* mirrors the JTR 054201 provision applicable here, which reads as follows:

Once the civilian employee chooses a TQSE method, the selection may not be changed if the travel order . . . has been executed, unless an exception is warranted based on clerical error. An exception is allowed if all of the facts

Hadley, CBCA 4264-RELO, 15-1 BCA ¶ 35,930, at 175,610 n.1.

and circumstances support that a provision was intended and was omitted in error when preparing the order.

In *Downey*, the Board concluded that an exception to the JTR was warranted, stating:

The facts and circumstances here clearly demonstrate that the agency erred when preparing the original orders. The orders were silent regarding the type of TQSE authorized, and they did not specify the number of days. The amended orders, on the other hand, sought to limit TQSE to thirty days, but only *after* claimant had spent more than thirty days in temporary quarters. Furthermore, the agency *reimbursed* claimant a . . . lump sum for temporary quarters. . . . Payments for lump sum TQSE are paid in advance, not after the fact. Finally, if the agency had authorized claimant to be reimbursed according to the fixed method, it would have been required to allow him to choose between the two reimbursement methods. . . . There is no evidence in the record that this choice was offered to claimant prior to his PCS. The fact that he sought multiple additional TQSE authorizations—which were approved by the gaining unit—seems to weigh against a lump sum choice. These inconsistencies show that an error occurred during preparation of claimant’s orders, which obfuscated the agency’s intentions.

20-1 BCA at 182,646.

The Board in *Downey* remanded the case to the agency to determine reimbursement pursuant to the TQSE (AE) method. *Downey*, 20-1 BCA at 182,646. The instant case presents similar circumstances. Claimant’s initial orders did not authorize TQSE but were amended before departure to authorize thirty days of fixed TQSE. After claimant completed his travel, he was subsequently authorized an additional thirty days. He was then reimbursed for fixed TQSE after temporary quarters were occupied for more than thirty days, even though the regulations required payment of fixed TQSE before temporary quarters are occupied. As in *Downey*, the fact that claimant sought additional TQSE authorizations—which were approved, but for which he was subsequently denied reimbursement—seems to weigh against claimant having made a lump sum choice. Claimant was not paid for fixed TQSE in advance, as required by regulation, but only after he completed his PCS. In addition, there is no evidence that claimant was allowed to choose between the two reimbursement methods, also required by regulation.

We find that based on all of these inconsistencies, an error occurred during the preparation of claimant’s orders, which obfuscated the agency’s adherence to regulations and resulted in the authorization of TQSE (LS) rather than TQSA (AE). Claimant is entitled to

be reimbursed for TQSE (AE) for the additional thirty days upon the agency's determination of the sufficiency of claimant's documentation of expenses. Claimant is also entitled to reimbursement of the late payment fee, 41 CFR 301-52.19, which is comprised of two components: (1) a calculation using the prevailing Prompt Payment Act interest rate or a flat fee as described in 41 CFR 301-52.20(a) and(b); and (2) an amount equivalent to any late payment charge that the card contractor would have been able to charge. 41 CFR 301-52.20(c); *see Dennis B.*, CBCA 6394-TRAV, 19-1 BCA ¶ 37,343, at 181,600-01.

Decision

The claim is granted. The case is remanded to the agency to determine reimbursement consistent with this decision.

Allan H. Goodman

ALLAN H. GOODMAN

Board Judge