



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 29, 2025

CBCA 8416-RELO

In the Matter of JOHN A.

John A., Claimant.

Willie C. Bradley, Director, Office of Civilian Human Resources, Overseas Program Center Europe, Africa, Central, Department of the Navy, FPO Area Europe, appearing for Department of the Navy.

RUSSELL, Board Judge.

The Department of the Navy (Navy) authorized claimant to receive a temporary quarters subsistence allowance (TQSA) pursuant to the Department of State Standardized Regulations (DSSR) for a ninety-day period ending July 15, 2024. Claimant asks the Board to review the Navy's denial of his request for an extension of his TQSA beyond this date. Because we conclude that the Navy's decision denying claimant's request was not arbitrary, capricious, or otherwise contrary to law, we deny the claim.

Background

The salient facts related to this claim are straightforward. Claimant arrived for his tour of duty in Italy on April 16, 2024. Around the time of his departure, claimant signed a document governing TQSA which expressly informed him that "[t]he 90 . . . days of TQSA . . . may be extended up to, but not more than, an additional 60 days in each case if the head of the agency determines that . . . compelling reasons beyond the control of the employee require[] continued occupancy of the temporary quarters." Claim, Temporary Quarters Subsistence Allowance (TQSA). The document additionally stated that "[t]he head of the

agency for this purpose is the Director of the Human Resources [(HR)] Office, U.S. Naval Support Activity, [] Naples, Italy.” *Id.* Claimant’s family arrived in Italy almost three months after claimant’s arrival, on or around July 10, 2024. Claimant’s ninety-day period for TQSA ended on July 15, 2024.

In correspondence to the HR director, the deciding official on claimant’s TQSA extension request, claimant explained that he had experienced difficulty with the housing process including with the assistance provided by Navy housing and also stated that he “was not going to rush into selecting a home in a foreign country without input from [his] family all the while starting a new job with a new command . . . While others may have done this with no issues, my family and I have *never* done this.” Claim, Correspondence from Claimant to HR Director, Overseas Program Center Europe, Africa, Central, Naples, Nov. 22, 2024 (emphasis in original). Thus, claimant was seeking a TQSA extension to on or about August 28, 2024. Apparently, in a meeting on his request with the HR director, claimant stated the same, i.e., that he had not searched for a home after his initial arrival in Italy because he wanted his family to be part of that decision. The HR director denied claimant’s request for an extension of TQSA after determining that claimant’s reason “for not locating a home within the initial 90-days of arriving on post [was] not [a] compelling” reason sufficient to support extending TQSA. Claim, Memorandum from HR Director to Claimant. Claimant subsequently filed this claim with the Board.

Discussion

As explained in the Board’s decision in *Ivan A.*:

“By statute, TQSA is intended to pay for reasonable subsistence expenses of an employee and immediate family members while occupying temporary quarters when relocating to or from an overseas location.” *Michael J. Krell*, GSBCA 13710-RELO, 98-2 BCA ¶ 30,050[, at 148,660]; *see* Overseas Differentials and Allowances Act, 5 U.S.C. § 5923(a)(1) (2018). The period for TQSA is not to exceed “90 days after first arrival at a new post of assignment in a foreign area or a period ending with the occupation of residence quarters, whichever is shorter.” 5 U.S.C. § 5923(a)(1)(A). Nevertheless, that ninety-day maximum period may “be extended for not more than 60 additional days if the head of the agency concerned or his designee determines that there are compelling reasons beyond the control of the employee for the continued occupancy of temporary quarters.” *Id.* § 5923(b). DSSR 122.2 and 123.34 implement these statutory provisions.

“As has long been held, the provision of allowances under the Overseas Differentials and Allowances Act and the DSSR is a discretionary matter.” *Sean P. Tweed-Kent*, CBCA 5528-RELO, 17-1 BCA ¶ 36,797[, at 179,374]. Although an agency’s discretion to deny a TQSA extension request is not unfettered, *Charles A. Houser*, CBCA 2149-RELO, 11-1 BCA ¶ 34,769[, at 171,112], we can overturn a denial only if it was arbitrary and capricious or otherwise in violation of law. *Raymundo R. Lomboy*, CBCA 5979-RELO, 18-1 BCA ¶ 37,079[, at 180,489]. “Accordingly, our inquiry is limited to whether the agency reasonably exercised its discretion” in finding a lack of compelling reasons beyond the control of the employee that justified the employee’s inability to find housing within the original ninety-day period. *Id.*

CBCA 7256-RELO, 22-1 BCA ¶ 38,060, at 184,798.

Here, based on the TQSA document that he signed, claimant was or should have been aware of the limited circumstances justifying extension of TQSA, i.e., that an extension was not automatic. Further, claimant’s reasons for requesting a TQSA extension were based on personal preference, i.e., he wanted his family’s input in the housing selection, not due to compelling circumstances beyond claimant’s control. Claimant stated that he had multiple challenges finding a home even with the assistance provided by Navy housing. Nevertheless, his choices here, well within his control, were significant factors driving his request for a TQSA extension. Thus, we conclude that the Navy reasonably exercised its discretion in deciding that claimant’s reasons for seeking the TQSA extension were not compelling. Accordingly, the facts in this claim do not support the Board determining that the Navy’s decision was arbitrary, capricious or otherwise contrary to law.

Decision

The claim is denied.

Beverly M. Russell
BEVERLY M. RUSSELL
Board Judge