



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 26, 2026

CBCA 8839-RELO

In the Matter of GULNUR A.

Gulnur A., Claimant.

Ilona M. Keller, Human Resources Specialist, Civilian Personnel Directorate, Department of the Army, APO Area Europe, appearing for Department of the Army.

GOODMAN, Board Judge.

Claimant is a civilian employee of the Department of Defense. She asks the Board to review the agency's decision to revoke previously issued travel orders authorizing various relocation costs. Claimant requests reinstatement of her permanent change of station (PCS) entitlements and reimbursement of her approved early lease termination expenses and temporary quarters subsistence allowance (TQSA). She also requests a "formal review of the administrative failures that resulted in this improper evaluation."¹ Claim at 5. In addition, claimant asserts that she has a "reasonable belief that she has been subject to discriminatory treatment and violation of [equal employment opportunity (EEO)] protection."² *Id.* at 1. The agency asserts that claimant's travel orders were erroneously issued and she is ineligible for relocation costs.

¹ The Board has the authority to resolve issues of entitlement to expenses incurred during employees' travel and relocation "but does not perform independent investigations with regard to cases presented to it." *Beth A. Wilson*, CBCA 600-RELO, 07-1 BCA ¶ 33,546, at 166,153 n.4.

² This claim is not within our authority to resolve. *William J.*, CBCA 8585-RELO, 26-1 BCA ¶ 39,035, at 190,124-25.

Background

In October 2017, claimant was employed in the continental United States (CONUS) and accomplished a PCS to a duty station outside the continental United States (OCONUS). This PCS was not government funded, and a living quarters allowance (LQA) was not authorized. Claimant arrived at her permanent duty station (PDS) at her own expense and did not enter into a service agreement. The agency describes her OCONUS tour of duty as follows:

[Claimant] was subject to an initial 36-month[] tour of duty and subsequent 24-month[] tour extensions . . . [and] her last tour of duty would have ended on 14 October 2026 (one initial tour of 36 months with three subsequent tour extensions of 24 months each).

Agency Response at 2.

On December 16, 2024, the agency issued claimant travel orders, subsequently amended on April 30, 2025, to her prior duty station in CONUS in May 2025. However, after authorizing claimant's "return rights" travel and reimbursing claimant for various costs she incurred for her PCS, the agency now seeks to recover the reimbursed costs, alleging that claimant was not entitled to reimbursement because her initial OCONUS PCS did not authorize PCS expenses. Agency Response at 2. The agency asserts that, because claimant did not enter into a service agreement after her OCONUS PCS, the agency's issuance of CONUS relocation orders authorizing PCS allowances was an "administrative oversight." *Id.*

The agency states that it "regrettably" issued claimant's PCS orders authorizing PCS allowances, including return travel, household goods (HHG) transport, temporary storage of HHG, privately owned vehicle (POV) shipment, TQSA prior to departure, and early lease termination expenses. Agency Response at 2-3. Various boxes were checked and statements were made on the travel orders implying that claimant had a service agreement and had completed all obligations under it. The agency asserts that claimant "cannot complete an agreement that she never had," *id.* at 3, and, "[t]herefore, she was not authorized for a government-funded relocation from the United States to [OCONUS] and, as a result, by extension, also not one to return her to the United States." *Id.* at 4.

The agency also alleges that while claimant's travel orders authorized TQSA for a maximum of ten days before departure from her OCONUS duty station, this allowance was erroneously authorized as claimant did not meet the eligibility requirement for TQSA under Army in Europe Regulation (AER) 690-500.592 (Sept. 2018). Agency Response at 4-5.

Discussion

The agency improperly requested reimbursement of claimant's PCS costs incurred for her return travel to the United States, except for the TQSA expenses. Pursuant to statute and case law regarding transfers between CONUS and OCONUS, employees transferring from one duty station to another are entitled to certain relocation benefits. Payment of return rights travel from OCONUS to CONUS is mandatory. *Sheri L. Ellis-Smith*, CBCA 4022-RELO, 15-1 BCA ¶ 36,057, at 176,076; *see* 5 U.S.C. §§ 5722, 5724, 5724(d), 5724a (2024). This is so even when payment of PCS costs were not included in the initial OCONUS vacancy announcement to which an employee responds. *Richard Gong*, CBCA 5824-RELO, 18-1 BCA ¶ 36,997, at 180,168-69.

If the employee's tour of duty was of sufficient length, the absence of a service agreement does not bar payment of PCS costs. *Christopher G. Cover*, CBCA 3875-RELO, 15-1 BCA ¶ 35,892, at 175,465. Thus, the fact that claimant did not sign a service agreement does not bar payment of these costs. *See Richard Gong*, 18-1 BCA at 180,169; *Kevin R.*, CBCA 8403-RELO, 26-1 BCA ¶ 38,976, at 189,764. Based on claimant's travel dates and the reporting date in her travel authorization, claimant started her OCONUS position with no break in service and remained there for almost eight years, far exceeding the minimum periods of service that would have been included in a service agreement.³

Claimant is entitled to the majority of the PCS expenses authorized in her travel orders, including travel, HHG transport, and POV shipment. While the agency specifically takes issue with payment of early lease termination expenses, claimant is also entitled to reimbursement of these expenses. *See Carlos A. Dodds*, CBCA 6745-RELO, 20-1 BCA ¶ 37,620, at 182,643-644.

The agency is correct that claimant was erroneously authorized TQSA reimbursement in her travel orders. Entitlement to LQA is a prerequisite to entitlement to TQSA, as the Board has previously explained:

The Joint Travel Regulations (JTR), which apply to claimant, provide that "TQSA assists in covering the cost of temporary lodging, plus reasonable meal and laundry expenses, incurred at a new foreign PDS OCONUS (see the DSSR [Department of State Standardized Regulations])." The DSSR defines

³ The "minimum periods" of OCONUS service are not more than "36 months or less than 12 months following the effective date of [an employee's] appointment or transfer." 41 CFR 302-2.14(b) (2024).

“quarters allowance” as “an allowance granted under the authority of title 5 U.S.C. [§] 5923 and [DSSR] sections 120 or 130.” DSSR 120 applies to TQSA, and DSSR 130 applies to LQA. The criteria for eligibility for quarters allowances, either LQA or TQSA, are the same for those hired either within or outside of the United States. Claimant’s eligibility for TQSA is determined by the DSSR, and under that regulation eligibility for LQA would necessarily control eligibility for TQSA.

Michael L., CBCA 8477-RELO, 25-1 BCA ¶ 38,919, at 189,426 (internal citations omitted).

This eligibility requirement for LQA and TQSA is also stated in AER 690-500.592. Section 12.a of that regulation states that “TQSA may be authorized for . . . transferred employees who are eligible for LQA in accordance with this regulation.” Under section 7.d, the regulation further provides that “[o]nce employed by any Federal agency overseas without LQA, an employee transferring to Army civilian employment will not be eligible for LQA.” Because claimant was employed initially without LQA, she has no entitlement to TQSA. *See Tyler L.*, CBCA 7055, 21-1 BCA ¶ 37,945, at 184,296-97 (interpreting this regulation); *see also Tae-Hoon Kim*, CBCA 6665-RELO, 20-1 BCA ¶ 37,593, at 182,530; *Jermaine W. DeWitt*, CBCA 5399-RELO, 16-1 BCA ¶ 36,537, at 177,995. The initial, erroneous approval of TQSA on claimant’s travel orders cannot create an entitlement that does not exist in statute or regulation. *Frank Lacks, Jr.*, CBCA 1785-RELO, 10-1 BCA ¶ 34,374, at 169,733; *Joseph E. Copple*, GSBCA 16849, 06-2 BCA ¶ 33,332, at 165,290.

Decision

We deny claimant’s request for reimbursement of TQSA expenses. We grant claimant’s request for entitlement to the remaining PCS costs authorized in claimant’s travel orders.

Allan H. Goodman

ALLAN H. GOODMAN

Board Judge