



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

September 21, 2026

CBCA 8897-RELO

In the Matter of ANDREW C.

Andrew C., Claimant.

Laura Scott, Supervisor, Relocation Western Operations Branch, Finance Office, National Oceanic and Atmospheric Administration, Silver Spring, MD, appearing for Department of Commerce.

KULLBERG, Board Judge.

Claimant seeks reimbursement of relocation expenses in the amount of \$6974.32 for his temporary quarters subsistence expenses (TQSE) and miscellaneous expense allowance (MEA). The agency, the National Oceanic and Atmospheric Administration (NOAA), contends that claimant was a new appointee, and statute and regulation prohibit reimbursement of TQSE and MEA. For the reasons stated below, the Board denies the claim.

Background

On December 19, 2025, NOAA issued a request for authorization of travel and moving reimbursement (request), which showed that claimant was a new appointee with a reporting date of January 25, 2026. Claimant's Attachment B. The request authorized TQSE and MEA. *Id.* On January 8, 2026, NOAA issued permanent change of station (PCS) orders for claimant's relocation from his previous residence to his first duty station. Claimant's Attachment C. Block 15A of claimant's PCS orders provided TQSE for sixty days and MEA in the amount of \$905. *Id.*

On February 11, 21, 19, and 26, 2026, and on May 23, 2026, claimant submitted travel vouchers for expenses that included MEA and TQSE, which totaled \$6974.32. Claimant's Attachments G-1, G-2, G-3, G-4, G-5, G-6. In an email dated February 20, 2026, NOAA informed claimant of a "large error in the figures of [his] PCS travel order package" and "that employees who are new to the federal government are not entitled to the MEA miscellaneous expense or the temporary quarters reimbursements." Claimant's Attachment E-1. Claimant stayed in temporary quarters from January 29 to March 10, 2026. Claimant's Attachment A. Claimant submitted this matter to the Board after NOAA denied his request for reimbursement of MEA and TQSA. The agency filed its report, and claimant filed his response.

Discussion

At issue is whether claimant, as a newly hired employee, is entitled to reimbursement of MEA and TQSA. Claimant contends that his PCS orders authorized payment of such expenses, and he relied upon NOAA's representation that he would be reimbursed for such expenses. NOAA does not deny that claimant's PCS orders were in error, but statute and regulation do not allow newly hired employees to receive reimbursement for TQSA and MEA.

Statute provides, in pertinent part, the following:

- (a) Under regulations prescribed under section 5738 of this title and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—
 - (1) travel expenses (A) of a new appointee . . . ,
 - (2) transportation expenses of his immediate family and his household goods and personal effects to the extent authorized by section 5724 of this title; and
 - (3) the expenses of transporting a privately owned motor vehicle as authorized under section 5727(c) of this title.

5 U.S.C. § 5723(a) (2024). That section of statute, which enumerates those reimbursable expenses available for new employees, does not include TQSE and MEA, and this Board has recognized that TQSE and MEA are only "available to employees who are transferred from one duty station to another in the interest of the Government [as] provided in sections 5724 and 5724a of title 5." *Andrew J. Marks*, CBCA 672-RELO, 07-2 BCA ¶ 33,602, at 166,422.

The Federal Travel Regulation (FTR), which also applies to claimant, provides for TQSE and MEA for relocating employees. 41 CFR 302-6.1, -16.1 (2025) (FTR 302-6.1, -16.1). However, new appointees are not eligible to receive either TQSE or MEA. *Id.* 302-6.5(a), -16.2(b)(1). This Board and the General Services Board of Contract Appeals (GSBCA), which decided relocation cases prior to the establishment of this Board, have recognized that under statute and regulation, new appointees cannot receive either TQSE or MEA. *See, e.g., Todd H.*, CBCA 8704-RELO, 26-1 BCA ¶ 39,042, at 190,170 (claim for TQSE denied); *Justin M. Kearns*, CBCA 2842-RELO, 12-2 BCA ¶ 35,065, at 172,239 (claim for TQSE denied); *Andrew J. Marks*, 07-2 BCA at 166,422 (claim for TQSE and MEA denied); *John J. Churchill*, GSBCA 16419, 04-2 BCA ¶ 32,698, at 161,782-83 (claim for TQSE and MEA denied).¹ NOAA properly determined that claimant, a new appointee, was not entitled to receive TQSE and MEA.

Claimant states that he accepted his position with NOAA “based upon the reimbursement policy that I was given.” Claimant’s Response to the Agency Report at 1. This Board has recognized the following:

“[T]ravel orders which erroneously authorize relocation expenses to which a new employee is not entitled cannot create a right to reimbursement in excess of statutory and regulatory entitlements.” *Richard G. Bebout*, CBCA 987-RELO, 08-1 BCA ¶ 33,814, at 167,391. “This is true regardless of whether the employee relied to his or her detriment on the erroneous orders.” *Id.*; *see George S. Page*, GSBCA 15114-RELO, 00-1 BCA ¶ 30,707, at 151,696 (1999) (“the law prevents the agency from honoring commitments made in its name by officials who do not have the power to make them.”). We cannot order payment of a relocation expense that is contrary to statute or regulation. *Charles M. Russell*, GSBCA 16000-RELO, 03-1 BCA ¶ 32,176, at 159,079.

Richard K. Guffey, CBCA 5983-RELO, 18-1 BCA ¶ 37,021, at 180,281-82. Although claimant may have relied upon his PCS orders or the advice of other officials at NOAA regarding his entitlement to TQSE and MEA, the Board does not have the authority to act contrary to statute and regulation and award reimbursement for those expenses. In this situation, the Board can only reiterate, once again, that it has “encourage[d] agencies to ensure that their travel and transportation officials provide accurate advice to new appointees as to the proper scope of their first hire relocation benefits, and ensure that travel

¹ The cited decisions included, in some cases, a discussion of relocation benefits other than TQSE and MEA that are unavailable to new appointees.

authorizations are properly prepared so that this situation does not occur.” *Guffey*, 18-1 BCA at 180,282 (quoting *Opher Heymann*, GSBCA 16687-RELO, 05-2 BCA ¶ 33,104, at 164,079).

Decision

The claim is denied.

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge