



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 16, 2026

CBCA 8547-RELO

In the Matter of RICHARD K.

Richard K., Claimant.

Olga Schwenke, Human Resources Specialist, Civilian Personnel Employee Relations Section, 86th Force Support Squadron, 86th Airlift Wing, Department of the Air Force, APO Area Europe, appearing for Department of the Air Force.

NEWSOM, Board Judge.

Claimant seeks reimbursement for expenses that he incurred during an approximately eleven-day stay in temporary quarters in Germany. The question presented is whether he is entitled to Temporary Quarters Subsistence Allowance (TQSA) following his separation from federal service. Because the law does not permit an employee to collect TQSA after separation from federal service, the Board denies the claim.

Background

This is another unfortunate instance, of which there are far too many, in which a federal employee relied on incomplete advice about eligibility for benefits, in this case TQSA, only later to learn that the applicable regulations render the employee ineligible.

Claimant was a civilian employee of the Department of the Air Force (Air Force) with a duty station in Germany. Claimant states that, in approximately June 2024, he submitted paperwork for a disability retirement. Claimant reports that two separate government agencies mishandled his retirement papers, delaying his retirement. He resubmitted his disability retirement papers in December 2024, requesting a separation date of January 11, 2025.

Meanwhile, Air Force personnel advised claimant that he was entitled to TQSA for up to thirty days prior to his departure from Germany. While that advice was correct so long as claimant remained a federal employee, that advice did not take into account that claimant was planning to retire on January 11, 2025. It is unclear whether the personnel providing the advice were aware that claimant was not simply relocating but was separating from federal service. In any event, no one advised claimant that TQSA benefits would cease once he separated from service.

On or about January 7, 2025—just a few days before his retirement—the Air Force issued permanent change of station (PCS) orders authorizing payment of TQSA. Claimant retired on January 11, 2025, but continued to engage with Air Force personnel regarding TQSA. On January 22, 2025, the Air Force provided him with detailed rate information about TQSA benefits, even though, by then, he was no longer eligible for TQSA. *After* his separation from federal service, claimant resided in temporary lodging, from March 31, 2025, to April 10, 2025, while he arranged his move back to the United States.

When claimant sought reimbursement for this temporary lodging, totaling \$4682.50, the Air Force advised claimant that he was not eligible for TQSA after his separation date. Claimant seeks review of that determination.

Discussion

The Overseas Differentials and Allowances Act, 5 U.S.C. §§ 5921–5928 (2018), and its implementing regulations in the Department of State Standardized Regulations (DSSR) authorize agencies to provide TQSA for employees who are relocating to or from an overseas duty assignment. *Hollie P.*, CBCA 8208-RELO, 25-1 BCA ¶ 38,746, at 188,372.

The DSSR defines the periods for which employees may receive TQSA. The regulations provide that TQSA granted immediately preceding the employee's final departure from his post shall terminate as of *the earliest* of the following dates:

- a. on the 31st day following commencement of the grant unless an extension is authorized under Section 122.2 by the head of agency;
- b. the date expenses for temporary lodging are no longer incurred; however, see Section 124.33 for employee occupying no cost temporary quarters;
- c. the date of the employee's departure, or the date of departure of family members if later, under transfer orders. Where the employee's departure for

transfer precedes that of family members, the temporary quarters subsistence allowance at the previous post shall not extend beyond the date preceding the date of the arrival of the new employee at the new post; or

d. *the date of separation from a Federal agency.*

DSSR 124.2 (emphasis added). The regulation is unambiguous; an employee cannot recover TQSA after separation from federal employment.

The claimant's separation from his position occurred on January 11, 2025, and he seeks TQSA for the period of March 31, 2025, to April 11, 2025. Accordingly, the claimant is not entitled to TQSA for that period.

The claimant states that he understands the requirements of the DSSR but notes that the Government's actions placed him in a difficult situation. In his words:

The delays and losses by [the Office of Personnel Management] and [the Air Force] made it impossible for me to utilize the very valuable TQSA allowance that nearly everyone gets to use when they PCS from Germany back to the [United States]. In addition to this, it was [the Air Force] personnel who mistakenly counseled me to "be sure you use your 30 Days of TQSA on the way out of Germany."

Too many of the Board's decisions involve employees who were given incorrect or incomplete advice. *See, e.g., Michael M. Bosack*, CBCA 6668-RELO, 20-1 BCA ¶ 37,646, at 182,771; *Tae-Hoon Kim*, CBCA 6665-RELO, 20-1 BCA ¶ 37,593, at 182,530; *Paul J. Bauer*, CBCA 5294-RELO, 17-1 BCA ¶ 36,891, at 179,785; *Antonio L. Gordon*, CBCA 2174-TRAV, 12-1 BCA ¶ 35,041, at 172,160 (2011); *Frank Lacks, Jr.*, CBCA 1785-RELO, 10-1 BCA ¶ 34,374, at 169,732-33. We recognize the hardship that these issues imposed on the claimant, but we cannot, as a matter of law, "right the wrong." *See Andrew J. Marks*, CBCA 672-RELO, 07-2 BCA ¶ 33,602, at 166,423. Incomplete advice cannot create an entitlement that does not exist in law.

Decision

The claim is denied.

Elizabeth W. Newsom
ELIZABETH W. NEWSOM
Board Judge