UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 18, 2026

CBCA 8800-RELO

In the Matter of ROBERT C.

Robert C., Claimant.

Paul Y. Kim, Associate General Counsel, Office of the General Counsel, Missile Defense Agency, Redstone Arsenal, AL, appearing for Department of Defense.

SHERIDAN, Board Judge.

Claimant challenges the agency's determination that he was ineligible for a retroactive grant of temporary quarters subsistence expenses (TQSE) from his permanent change of duty station (PCS) travel order. Claimant traveled from his former position at United States European Command (EUCOM) (the losing agency) in Stuttgart, Germany, a foreign location outside of the contiguous United States (OCONUS), to a position with the Missile Defense Agency (MDA) (the gaining agency) in Redstone Arsenal, Alabama, a non-foreign location in the contiguous United States (CONUS). Claimant submitted a claim for lodging and subsistence expenses incurred during his first month in CONUS immediately following his move. TQSE is a discretionary allowance for use upon arrival to or departure from a CONUS or non-foreign OCONUS duty station. Claimant did not request TQSE in advance, nor was the gaining agency under an obligation to authorize it even if he had. Therefore, he is not entitled to receive TQSE from the gaining agency retroactively. However, the Board notes two unrelated errors in the PCS order that should have been authorized when written and that remain available to claimant.

Background

Upon completing two consecutive OCONUS tours, claimant applied for a CONUS position at the gaining agency in response to a vacancy announcement on USAJOBS, which

specifically stated, "Relocation expenses reimbursed, Yes—You may qualify for reimbursement of relocation expenses in accordance with agency policy." The gaining agency extended a tentative job offer to claimant by email. The tentative job offer did not mention relocation benefits. Claimant accepted the position via email without mentioning or requesting relocation expense reimbursement. In July 2025, claimant received a PCS order, which was issued and funded by the losing agency, to cover claimant's expenses to return to CONUS. The order explicitly stated in block 14a on the first page that TQSE was not authorized. Nevertheless, it allowed for temporary quarters subsistence allowance (TQSA) but only for lodging and subsistence expenses incurred in the vicinity of the losing agency before claimant departed Germany.

Claimant reported for CONUS duty at the gaining agency in October 2025. On November 6, 2025, claimant submitted a "Foreign Allowances Application, Grant and Report (SF-1190)" to the United States Department of State. On the form, claimant requested TQSA in the amount of $6902.05 for the period from October 4 through November 2, 2025. On the same day, claimant also contacted the Defense Logistics Agency (DLA) requesting that his TQSA request be processed for the time after he had arrived at his CONUS duty station. DLA responded that TQSA is only a foreign OCONUS entitlement and that claimant would need to contact the gaining agency about the possibility of funding TQSE. In subsequent email communications, the gaining agency explained that it would have had the discretion to authorize TQSE if claimant had requested it during the hiring process. However, it declined retroactively to negotiate for TQSE after the employee had formally accepted the position and completed the hiring process.

Claimant filed his claim with the Board on January 30, 2026, seeking TQSE.

Discussion

Federal agencies are statutorily required to pay the relocation expenses of federal employees transferring in the interest of the Government from one permanent duty station to another. 5 U.S.C. § 5724(a)(1) (2024); *id.* § 5724a(a). If an employee is returning to his or her original CONUS duty station following the completion of an OCONUS tour of duty for the required amount of time, and the employee is not transferring to a new CONUS position with the federal government, the losing agency is responsible for funding the employee's return PCS expenses, as explained in *Sheri L. Ellis-Smith*, CBCA 4022-RELO, 15-1 BCA ¶ 36,057:

> [O]nce an employee has successfully completed a [foreign] OCONUS tour of duty, the agency must pay the cost of relocating that employee either to the home of record or other location selected by the employee, up to the

> constructive cost of returning the employee to his or her home of record at the time of transfer. *See Sara E. Young*, CBCA 3540-RELO, 14-1 BCA ¶ 35,607 (2013); *William G. Sterling*, CBCA 3424-RELO, 13 BCA ¶ 35,438, *reconsideration denied*, 14-1 BCA ¶ 35,483 (2013); *Michael W. Silva*, CBCA 1707-TRAV, 10-1 BCA ¶ 34,354.

15-1 BCA at 176,076; *see* 41 CFR 302-3.211 (2025). If the employee concluding an OCONUS tour of duty is transferring to start a new CONUS federal position and the transfer is in the interest of the Government, the employee is entitled to certain relocation benefits, *see* 5 U.S.C. § 5724a(a), (d)(2), (f), and the gaining agency is usually responsible for those PCS expenses. *Id.* § 5724(a)(1), (e).

When a federal agency is required by statute to pay a federal employee's relocation expenses, the authorized allowances are classified as either mandatory or discretionary. 41 CFR 302-3.101. Mandatory allowances may not be negotiated, denied, or reduced when the employee meets eligibility criteria. Joint Travel Regulations (JTR) 0536 (Oct. 2025). Discretionary allowances, by contrast, may be approved or denied at the agency's discretion. *Id.* Except when the employee is transferring through the Department of Defense's Priority Placement Program (DoD PPP), which claimant here did not, TQSE is a discretionary allowance: "TQSE is a discretionary, not mandatory, allowance unless a civilian employee returns from a foreign area through the [DoD PPP]." JTR 0542.B; *see* 41 CFR 302-3.101; JTR 053605, 054204.

Although TQSA, like TQSE, is also a discretionary allowance for temporary lodging and subsistence to support employees during a portion of their PCS relocations, TQSA and TQSE arise under different authorities for use in different contexts. TQSE is for use at CONUS locations. 5 U.S.C. § 5724a; JTR 053605. TQSA is for use at foreign locations. 5 U.S.C. § 5923; Department of State Standardized Regulations (DSSR) 124.2; JTR 054205.A. In an OCONUS-to-CONUS relocation, TQSA may be authorized at the overseas point of departure, and TQSE may be authorized at the domestic point of arrival. Except in the case of DoD PPP, agencies have the discretion to approve TQSA, TQSE, both, or neither. *See Sean P. Tweed-Kent*, CBCA 5528-RELO, 17-1 BCA ¶ 36,797, at 179,347 & n.5.

Here, the employee was relocating to a CONUS agency following the successful completion of an OCONUS assignment. Because the employee was hired for the CONUS position through a competitive USAJOBS vacancy announcement, it is presumed that the relocation was in the interest of the Government and that all mandatory expenses are required to be paid by the gaining agency. *See Brandon A.*, CBCA 8761-RELO, 26-1 BCA ¶ 39,009, at 189,973 ("[A] selection and transfer of an employee pursuant to a merit promotion

program is generally deemed to be an action taken in the interest of the Government." (quoting *Charanette Y. Duckworth*, GSBCA 16860-RELO, 06-2 BCA ¶ 33,358, at 165,393-94)). "If the [gaining] agency decides that a transfer is not primarily in the interest of the Government" and instead is primarily in the interest of the employee, meaning that the employee is not entitled to relocation benefits, "it must appropriately and timely notify applicants for the position that the agency will not be providing relocation benefits" *before* or, at a minimum, *no later* than when it offers the position to the employee. *Id.* "Once the selections [are] made without clear advance notice, the agency [can no longer] declare that the transfers were not in the interest of the Government." *Id.* at 189,974 (quoting *Rudd & Erickson—Reimbursement for Relocation Expenses Incurred Incident to Merit Promotion Transfers*, B-211910, 1983 WL 27413, at *1 (Sept. 26, 1983)). Because, as the record here shows, the gaining agency made no such representations to claimant before he accepted the CONUS position, the gaining agency cannot now claim that the claimant's OCONUS-to-CONUS transfer was not primarily in the interest of the Government.

That does not mean, however, that claimant can obtain TQSE that was not authorized before he transferred to his new CONUS duty station. TQSE is not a mandatory relocation benefit. Claimant's PCS order clearly showed in block 14(a) that TQSE was not authorized, even though, elsewhere in the PCS order, the losing agency authorized TQSA. Although any lodging and subsistence that claimant incurred before departing Germany may have been payable as TQSA, as authorized by the PCS order, claimant incurred the expenses in question after arrival at his new CONUS duty station, which would only be payable as TQSE. TQSE was not authorized by claimant's PCS order. It has been long held that, once travel has begun, it is too late for an agency retroactively to modify orders to add discretionary entitlements absent an error evident from the face of the PCS order or from the facts and circumstances surrounding its issuance:

> [T]ravel orders may not be revoked or modified retroactively so as to increase or decrease the rights which have become fixed after the travel has been performed, except where there are errors apparent on the face of the original orders or where all the facts and circumstances surrounding the issuance of the original orders clearly demonstrate that some provision which was previously determined and definitely intended had been inadvertently omitted in their preparation.

Alex L. Rowe, GSBCA 14479-RELO, 98-2 BCA ¶ 29,919, at 148,088 (quoting *William D. Hammers*, B-234696 (Nov. 3, 1989)). Nothing in the record suggests that the agency intended to include a TQSE authorization in the order. No evidence of a clerical error is present.

Claimant argues that the gaining agency failed to provide him with adequate pre-PCS counseling and that this failure affected his ability to make reasoned decisions about his relocation. The Board addressed a similar situation in *Elizabeth D. Gosselin*, CBCA 2208-RELO, 11-2 BCA ¶ 34,876, where claimant likewise argued that an agency failed to provide adequate guidance on requesting TQSE in advance of PCS order acceptance and execution. The Board held that the regulations nonetheless bound the claimant:

> It is well settled by this Board that where regulations clearly set out requirements, an employee is bound by those regulations, even if the employee relied to his or her detriment upon directions from government officials to the contrary. The Board cannot enlarge a claimant's rights beyond the parameters set out in regulation, even if the employee is misled by Government actions. . . . In the case of Ms. Gosselin, no erroneous or improper advice has been identified. Rather, her claim is based upon her assertion that the Government was obligated to provide her adequate guidance and did not. . . . [I]t is clear from the record that TQSE regulations defined the terms at issue, and had Ms. Gosselin read and consulted the regulations, she would have been on notice.

Id. at 171,537.

As in *Gosselin*, claimant here alleges that the agency failed to give him adequate counseling about the TQSE allowance. Yet, claimant was clearly on notice of his PCS order allowances and entitlements as he provided a copy of the order as part of his claim. As discussed above, the order explicitly stated that TQSA was authorized, that TQSE was not authorized, and that the claimant should seek further clarification from a Defense Finance Accounting Service website. PCS orders establish "the conditions, in writing, under which official travel and transportation are authorized at government expense, and [provide] a notice and record of the employee's instructions and entitlements." *Todd E. Johanesen*, CBCA 3124-TRAV, 14-1 BCA ¶ 35,539, at 174,163 (quoting *Jack J. Pagano*, CBCA 1838-TRAV, 10-1 BCA ¶ 34,408, at 169,877).

Claimant's PCS order clearly stated TQSE, a discretionary relocation benefit, was not authorized. The absence of counseling or claimant's misunderstanding of his allowances and entitlements cannot create a right to reimbursement after the fact.

While not a claim asserted here, the Board notes that, in reviewing this matter, it became clear that, even though claimant is not entitled to TQSE, the gaining agency has not informed claimant of other mandatory relocation benefits to which claimant should be entitled. Specifically, claimant's PCS order denies him a miscellaneous expense allowance

and real estate transaction expense reimbursement, both of which are mandatory allowances for transfers in the interest of the Government so long as the employee executes a transportation agreement agreeing to stay in the new position for at least one year, which the record here shows that claimant has done. *See* 5 U.S.C. § 5724a(a), (d)(2), (f); 41 CFR 302-3.101, tbl. C, column 1. Because the gaining agency did not notify claimant before he accepted his CONUS position that it would not offer mandatory relocation benefits or that it viewed his transfer as primarily in his interest rather than the Government's interest, the gaining agency has no basis for denying claimant such benefits. *Brandon A.*, 26-1 BCA at 189,973-74. "[T]he fact that neither the losing nor the gaining activity has authorized reimbursement of [a mandatory expense allowance] does not affect claimant's entitlement to reimbursement." *Aaron R.*, CBCA 8026-RELO, 24-1 BCA ¶ 38,603, at 187,658. If the claimant elects to pursue these mandatory allowances, we presume that the gaining agency will consider claimant's reimbursement requests in an appropriate manner, notwithstanding the omission of these allowances on the original PCS order.

Decision

For the foregoing reasons, the claim is denied.

Patricia J. Sheridan
PATRICIA J. SHERIDAN
Board Judge