

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

June 11, 2001

GSBCA 15390-RELO

In the Matter of BARBARA A. CAVINESS

Barbara A. Caviness, Albuquerque, NM, Claimant.

Chris Barned, Fiscal Specialist, National Business Center, Products and Services, Department of the Interior, Denver, CO, appearing for the Department of the Interior.

WILLIAMS, Board Judge.

The agency properly denied reimbursement of temporary quarters subsistence expenses (TQSE) and rental car expenses to a new appointee, since such benefits are not authorized by statute or regulation.

Background

Effective July 2, 2000, claimant was hired as a trust fund investment specialist for the Department of the Interior. Her new duty station was in Albuquerque, New Mexico, and she lived in Little Rock, Arkansas. The agency agreed to fund costs associated with claimant's en route travel and the shipment of her household goods for her relocation to Albuquerque. Claimant was unable to drive at the time of her relocation due to a medical condition, so she flew to the new duty station and the agency shipped her privately owned vehicle at its expense.

Claimant seeks reimbursement of her lodging expenses in Albuquerque for twenty-two nights in the amount of \$1340.83, as well as \$670.73 for a rental car and \$41.18 for gasoline.

Discussion

The agency acted correctly in denying the claim. Statute and regulation provide only limited relocation benefits to new appointees; those limited benefits do not include reimbursement for TQSE or a rental car. 5 U.S.C. § 5723 (Supp. V 1999); 41 CFR 302-1.10(f) (2000); Karen R. Brown, GSBCA 14871-RELO, 99-2 BCA ¶ 30,429; Charles G. Bakaly, III, GSBCA 14750-RELO, 99-1 BCA ¶ 30,249, reconsideration denied, 99-1 BCA ¶ 30,367; William Archilla, GSBCA 13878-RELO, 97-1 BCA ¶ 28,799.

Specifically, according to the Federal Travel Regulation (FTR), new appointees are eligible for payment of only certain travel and transportation expenses:

- (1) Travel expenses, including per diem for the appointee . . . ;
- (2) Transportation for immediate family of appointee . . . ;
- (3) Mileage if privately owned vehicle is used . . . ;
- (4) Transportation and temporary storage of household goods . . . ;
- (5) Nontemporary storage of household goods if appointed to an isolated location . . . ; and
- (6) Transportation of mobile homes

41 CFR 302-1.10(e). Items not specifically listed in this section are not allowable. 41 CFR 302-10(f); Wendy Castineira, GSBCA 15090-RELO, 00-1 BCA ¶ 30,740. This Board recently concluded that a new appointee could not be reimbursed for the cost of a rental car. Thomas Slonaker, GSBCA 15425-RELO (May 31, 2001).

Claimant asks the Board to consider special circumstances that led to her request for reimbursement. Claimant's daughter was in a near-fatal automobile accident on April 1, 1999, and claimant has had to care for her disabled daughter continuously since that time. Claimant herself developed a condition which required surgery and prohibited her from driving, lifting, or straining. Claimant also believes that she should have been notified that her lodging and rental car costs were not going to be included in her move. Although we sympathize with claimant's situation, we are not empowered to extend the benefits authorized by statute and regulation. Even if claimant was erroneously advised that she was entitled to these expenses, such advice cannot create a right to reimbursement in excess of statutory and regulatory entitlements. Castineira, 00-1 BCA at 151,871; Archilla, 97-1 BCA at 143,645.

Decision

The claim is denied.

MARY ELLEN COSTER WILLIAMS
Board Judge