

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

August 1, 2001

GSBCA 15606-RELO

In the Matter of BRIAN F. MOORE

Brian F. Moore, Amherst, NY, Claimant.

Robert D. Brown, Deputy Director, Finance Center, United States Army Corps of Engineers, Department of the Army, Millington, TN, appearing for Department of the Army.

GOODMAN, Board Judge.

Claimant, Brian F. Moore, is a civilian employee of the United States Army Corps of Engineers. He has requested that this Board review his agency's denial of reimbursement of various costs he incurred as the result of a permanent change of station (PCS).

Claimant was issued, in February 2000, PCS orders which authorized sixty days of temporary quarters subsistence expenses (TQSE). Claimant arranged for a monthly rental of an unfurnished apartment. After he completed his PCS, he submitted his travel voucher to the finance office for reimbursement. The agency denied reimbursement of \$55 incurred for telephone installation and \$10.75 for initiation of cable TV service.

The agency is correct in denying reimbursement of these charges. This issue was addressed by the Comptroller General in Tita D. Corpuz, B-256576 (Jan. 17, 1996), when a claimant sought reimbursement of telephone installation charges as part of his claim for TQSE. Relying on the rules concerning lodging for temporary duty (TDY) travel, the Comptroller General stated:

The FTR [Federal Travel Regulation] specifically provides that telephone installation charges may not be reimbursed when an employee rents an apartment while on temporary duty. 41 C.F.R. § 301-7.14(a)(1). Similarly, we have previously concluded that telephone installation charges, as claimed . . . are not allowable as TQSE. [footnote deleted]. While the regulation does not strictly apply to TQSE, in light of our prior decisions, we believe that GSA and other agencies believe that the TDY rule is applicable to TQSE. Until the regulation is changed, we believe the better rule is for telephone installation charges to be not reimbursable.

Unpublished slip op. at 2.

The FTR provision which the Comptroller General found determinative above has not been substantively changed, but has been rewritten to read as follows:

What expenses may be considered part of the daily lodging cost when I rent on a long-term basis?

When you rent a room, apartment, house, or other lodging on a long-term basis (e.g., weekly, monthly), the following expenses may be considered part of the lodging cost:

- (a) The rental cost for a furnished dwelling; if unfurnished, the rental cost of the dwelling and the cost of appropriate and necessary furniture and appliances (e.g., stove, refrigerator, chairs, tables, bed, sofa, television, or vacuum cleaner);
- (b) Cost of connecting/disconnecting and using utilities;
- (c) Cost of reasonable maid fees and cleaning charges;
- (d) Monthly telephone use fee (does not include installation and long-distance calls); and,
- (e) If ordinarily included in the price of a hotel/motel room in the area concerned, the cost of special user fees (e.g., cable TV charges and plug-in charges for automobile head bolt heaters).

41 CFR 301-11.15 (1999).

The Joint Travel Regulations (JTR), which supplement the FTR and are applicable to civilian employees of the Department of Defense, read substantially the same as the FTR provision. JTR C4555-D.

It is clear from both the FTR and the JTR that the installation charge for telephone service is not reimbursable. The initiation charge for cable TV is similar in nature to a telephone installation charge and would not be reimbursable, even though the monthly charges for cable TV would be reimbursable, according to the FTR cited above. The agency's denial of reimbursement is correct.

The claim is denied.

ALLAN H. GOODMAN
Board Judge