

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

November 6, 2002

GSBCA 15671-RELO

In the Matter of DAVID KALLMAN

David Kallman, Yigo, GU, Claimant.

R. Michael Imphong, Chief Allowances Unit, Personnel Resources Compensation and Entitlements, Headquarters United States Air Force, Washington, DC, appearing for Department of the Air Force.

PARKER, Board Judge.

Background

In January 2001, the Department of the Air Force authorized David Kallman, a new appointee, to receive certain permanent duty change of station allowances in connection with his move from Turkey to Guam. Reimbursement of temporary quarters subsistence expenses (TQSE) was specifically not authorized.

Mr. Kallman, who did not know what TQSE was, stayed in temporary quarters in Guam that he would not have stayed in had he known that the costs would not be reimbursed. Mr. Kallman's claim for reimbursement of the \$1443 he incurred in lodging costs was denied by the Air Force and he has asked that the Board review that decision. As discussed below, the Air Force correctly denied Mr. Kallman's claim.

Discussion

By statute, a new appointee to federal service is entitled to certain benefits when he or she moves to a duty station from his or her place of residence at the time of appointment. 5 U.S.C. §§ 5722, 5723 (2000). These benefits are similar to those provided to an employee whom an agency transfers in the interest of the Government from one duty station to another, id. §§ 5724, 5724a, but they are not identical. Of importance to this case, the law authorizes agencies to reimburse transferred employees, but not new appointees, for TQSE. Louise C. Masse, GSBCA 15684-RELO, 02-1 BCA ¶ 31,694; Roy Katayama, GSBCA 15605-RELO, 01-2 BCA ¶ 31,542; Barbara A. Caviness, GSBCA 15390-RELO, 01-2 BCA ¶ 31,498.

Because the law does not permit agencies to pay TQSE to new appointees, Mr.

Kallman's claim must be denied. The fact that Mr. Kallman was not specifically advised as to the meaning of his travel orders, and consequently was unaware that his hotel expenses would not be reimbursed, makes no difference. Even if the lack of explanation could be considered as some sort of erroneous advice, which is doubtful, it is well settled that even erroneous advice by Government officials cannot create a right to reimbursement in excess of statutory and regulatory entitlements. Masood Badizadegan, GSBCA 14393-RELO, 98-2 BCA ¶ 29,789.

ROBERT W. PARKER
Board Judge