

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

February 8, 2002

GSBCA 15729-RELO

In the Matter of SHERRELL M. GARTH

Sherrell M. Garth, Indianapolis, IN, Claimant.

Jim Atwell, Acting Chief, Civilian Personnel Directorate, Headquarters, U.S. Army, Europe, and Seventh Army, APO, Area Europe, appearing for Department of the Army.

BORWICK, Board Judge.

Claimant Sherrell M. Garth seeks renewal of her travel orders in order to be reimbursed for current travel expenses she incurred in recently relocating from overseas. The agency denied renewal because her separation date was more than two years before her return travel. We sustain the decision of the Department of the Army since it correctly applied the Joint Travel Regulations (JTR).

On or about June 3, 1998, claimant separated from her position with the agency in Hanau, Germany. On July 15, 1998, the agency issued travel orders for claimant's and her dependents' return to Garland, Texas. The agency authorized shipment of claimant's household goods and automobile and also authorized payment of limited travel expenses. When issuing the orders, the agency advised claimant that she had to use her return orders within a reasonable period of time, not later than forty-five calendar days after issuance of the orders, i.e. September 4, 1998.

Claimant did not use her orders to return to Texas within the allotted time period. Instead, she requested an additional forty-five days to remain in Germany pending a decision on an equal employment opportunity discrimination complaint and in order for her dependents to remain in the Department of Defense's school system. On November 16, 1998, the agency, responding to the inquiry of a United States Senator, advised that claimant had not provided sufficient justification for an extension of her travel orders beyond the September 4, 1998, date originally established.

In her letter to the Board, claimant states that she remained overseas to be with her husband, who had a one-year commitment to work with United States Air Force Exchange Service. She also states that:

I entered into a contract with a contracting agent in December of 2000, which then required me to be overseas for at least three years based on the contract with Sterling Medical, who was acting on behalf of the...United States Army. After, I entered into a legal agreement with the government; they breached the contract leaving me and my husband and family without any way of returning home.

Apparently, in the summer of 2001, claimant requested that the agency renew her travel orders. On August 9, 2001, the agency denied claimant's request because "it has been three years since these orders were issued" and beyond the two year maximum extension permitted by the JTR.

Commanding officers of overseas activities may accept written requests for reasonable delay in use of travel orders--usually ninety days or less--but return travel may be delayed by as much as two years from the separation date. JTR C4202-B. The agency may not waive the two-year maximum period due to an employee's personal circumstances. Eugene Leong, GSBCA 13666-RELO (March 31, 1997).

Here, claimant's separation date was June 3, 1998. The agency did not grant the extension requested by claimant, recognizing that the latest date that claimant could have traveled on her orders was June 3, 2000. Claimant is ineligible to use her old travel orders to reimburse currently incurred travel expenses. The agency correctly applied the JTR in refusing to extend claimant's travel orders. The claim is denied.

ANTHONY S. BORWICK
Board Judge