

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

June 6, 2002

GSBCA 15819-RELO

In the Matter of MEHDI MIZANI

Mehdi Mizani, Albuquerque, NM, 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.

DeGRAFF, Board Judge.

Mehdi Mizani, an employee of the United States Army Corps of Engineers, transferred from Korea to New Mexico in September 2001. His travel orders, as amended, authorized him to incur reimbursable temporary quarters subsistence expenses (TQSE). Upon his arrival in the United States on September 10, Mr. Mizani moved into temporary quarters. On September 17, he moved into a house he owns, which he had decided to make his permanent quarters. Mr. Mizani rented furniture for his house until his household goods were delivered on October 15.

Mr. Mizani asked the agency to reimburse him for TQSE from September 10 through October 15, 2001. The agency, however, decided to reimburse Mr. Mizani for TQSE only until he moved into his permanent quarters. Mr. Mizani asks us to review the agency's decision. Mr. Mizani contends that because his household goods did not arrive at his permanent quarters until October 15, he should be reimbursed for TQSE until that date. The agency's position is that Mr. Mizani's eligibility for TQSE ended when he moved into his permanent quarters.

The agency correctly decided to deny Mr. Mizani's claim for reimbursement of TQSE after he moved into his permanent quarters. According to the regulations that govern Mr. Mizani's claim, TQSE are expenses incurred by an employee while occupying quarters that were obtained for the purpose of temporary occupancy. 41 CFR 302-5.1, -5.2, -5.3 (2001); Joint Travel Regulations C13110 (Nov. 1, 2001). It is undisputed that the quarters to which Mr. Mizani moved on September 17, were his permanent quarters. Thus, according to the regulations, after Mr. Mizani moved into those quarters, he was no longer incurring reimbursable TQSE. Although he furnished his permanent quarters with rented furniture, this made the quarters no less permanent. Our decision here is consistent with our conclusion

in Ingolf C. Hack, GSBCA 15569-RELO, 01-2 BCA ¶ 31,537, and with a long line of General Accounting Office decisions. See, e.g., Reginald Cutter, B-260765 (Dec. 14, 1995); Robert E. Hodge, B-165500 (Nov. 22, 1968) (citing decisions). Based upon the applicable regulations and precedent, we conclude that Mr. Mizani is not entitled to be reimbursed for TQSE after he moved into his permanent quarters.

The claim is denied.

MARTHA H. DeGRAFF
Board Judge