

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

November 26, 2002

GSBCA 15864-RELO

In the Matter of ANTONIO R. CORTEST

Antonio R. Cortest, APO Area Europe, Claimant.

Shivaun White, Europe District, United States Army Corps of Engineers, APO Area Europe, appearing for Department of the Army.

PARKER, Board Judge.

When Antonio R. Cortest was transferred to Seoul, Korea, his employer, the United States Army Corps of Engineers, paid to Mr. Cortest \$71,975 in advanced living quarters allowance (LQA) to cover two years' rent. As per local custom, Mr. Cortest was required by his lease to pay the two years' rent in advance in Korean Won. He converted the dollars into Won and paid the sum to the landlord. One year into the lease, the agency transferred Mr. Cortest to Germany. The employee recovered from his landlord an amount of money in Won, 41,722,000 Won, commensurate with the portion of the two-year term for which he would no longer be leasing his dwelling. He then converted this sum to dollars and returned it to the agency as repayment of advanced LQA. As a result of a decline in the exchange rates between the dollar and the Won, the 41,722,000 Won converted to \$30,974.02, leaving a shortfall of \$6658.59. Mr. Cortest reimbursed the agency for the LQA advance in the amount of \$30,974.02, and the agency determined that Mr. Cortest was indebted to the United States in the amount of \$6658.59. Mr. Cortest has asked the Board to review the Corps' decision as to the amount of indebtedness.

The Corps has requested that the Board dismiss this case since it concerns a claim for LQA, which is outside the Board's jurisdiction and within the jurisdiction of the Office of Personnel Management (OPM). The agency is correct. As this Board has consistently recognized, "LQA is not an expense of travel, transportation, or relocation; since it is an allowance which accrues to an employee after he has traveled to a place and relocated there, it is more properly viewed as a species of compensation." Donald Guenther, GSBCA 14032-RELO, 97-1 BCA ¶ 28,795, at 143,640; see also Carmon L. Woodley, GSBCA 13706-RELO, 97-1 BCA ¶ 28,861. Claims regarding LQA for civilian employees are not heard by the Board, but are referred, as are claims for compensation, to OPM. Woodley; Guenther.

Accordingly, this claim is dismissed and is transferred to OPM for resolution.

ROBERT W. PARKER
Board Judge