

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

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February 12, 2003

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GSBCA 15877-RELO

In the Matter of FRANCIS L. VARGAS

Francis L. Vargas, Tooele, UT, Claimant.

Barbara J. Gaydos, Acting Travel Pay Site Manager, Defense Finance and Accounting Service, Rock Island, IL, appearing for Department of Defense.

**WILLIAMS**, Board Judge.

Background

Claimant, Francis L. Vargas, a security guard employed by the Department of Defense, was transferred from the United States Army Chemical Activity-Pacific, Johnston Island, to Tooele Army Depot in Utah with a reporting date of August 27, 2001. His permanent change of station orders were amended on February 14, 2002, to correct his new permanent duty station to Deseret Chemical Depot, Tooele, Utah. Mr. Vargas was authorized thirty days of temporary quarters subsistence expenses (TQSE) in his travel orders.

Claimant placed his prior residence in Fairacres, New Mexico, on the market in May 2001, and he sold the home in February 2002. Claimant flew back to New Mexico to close on the home in late February, and he and his family arrived back in Tooele on March 2, 2002. Not being aware of the restrictions in the applicable regulations, claimant rented a suite that would accommodate his family until he was able to close on their new home on March 25 and take delivery of their household goods on March 28, 2002. Claimant was advised by personnel at the Deseret Chemical Depot that he should submit a claim for TQSE for his dependents.

Mr. Vargas was reimbursed for thirty days of TQSE for the period August 27-September 25, 2001. He subsequently sought additional TQSE for his dependents for the period March 2-28, 2002.

Discussion

The relief which claimant seeks in this case is squarely prohibited by the governing regulations. Federal Travel Regulation (FTR) 302-5.109 expressly provides:

**§ 302-5.109 May the period for which I am authorized to claim actual TQSE reimbursement for myself be different from that of my immediate family?**

No, the eligibility period for which you are authorized to claim actual TQSE reimbursement for yourself and for each member of your immediate family must run concurrently.

41 CFR 302-5.109 (2001). The Joint Travel Regulations, at C13205-C.2, are to the same effect. See also, Alfred J. Costanzo, GSBCA 13718-RELO, 97-1 BCA ¶28,872 ("Claimant's daughter's period of eligibility for reimbursement of TQSE must run concurrently with his; she was eligible only on each of the days that her father could receive such reimbursement.").

Decision

The claim is denied.

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MARY ELLEN COSTER WILLIAMS  
Board Judge