

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

September 10, 2002

GSBCA 15900-RELO

In the Matter of RICHARD A. KIGGINS

Richard A. Kiggins, FPO Area Pacific, Claimant.

Yolande B. Fong, Director, Civilian Personnel Programs, United States Pacific Fleet, Department of the Navy, Pearl Harbor, HI, appearing for Department of Defense.

GOODMAN, Board Judge.

Claimant, Richard A. Kiggins, is a civilian employee of the Department of Defense (DoD). He requests this Board review the agency's denial of his claim that his daughter should be deemed a dependent for purposes of reimbursement of travel expenses pursuant to his permanent change of station (PCS) orders.

Factual Background

Claimant states that when he was issued PCS orders he was allowed to name his eighteen year-old son as a dependent, but not his twenty-one year old daughter. He states:

[U]pon my daughter's 21st birthday, [I] had to secure a military dependent's identification card for her until the age of 23 . . . DoD extends this entitlement beyond age 21 and recognizes full time students as dependents for purposes of issuing dependent I.D. cards.

[Since] DoD considers a full time student a "reason acceptable to DoD" to extend dependent's I.D. Cards beyond the age of 21, [I believe that] the denial of my request to have my full time student daughter listed as my dependent in my civilian PCS travel orders appears inconsistent with DoD's rule for Dependent I.D. Cards and other entitlements, including medical and use of base facilities.

The agency states that claimant's daughter was denied status as a dependent on PCS orders because she was over the age of twenty-one when the orders were issued.

Discussion

The Joint Travel Regulations (JTR), which apply to DoD civilian employees, contain the following provisions governing travel and transportation of dependents, which read in relevant part:

C7000 ENTITLEMENT

A. General.

Dependent travel and transportation allowances may be authorized/approved in connection with PCSs world-wide. They are based on the employee's entitlement and are subject to the conditions and restrictions in this Chapter.

...

B. Child's Age and Travel Eligibility.

A dependent child is defined in Appendix A as including a child under 21 years of age; however, a dependent child's eligibility for travel allowance depends on the child's age on the date the employee reports for duty at the new PDS (B-160928, March 28, 1969 and B-166208, April 1, 1969). Example: a child 20 years and 11 months old when the employee reports at new PDS [permanent duty station] is eligible for travel even if travel is delayed until the child is age 22 years and 11 months.

Appendix A of the JTR, cited in the above regulation, reads in relevant part:

DEPENDENT/IMMEDIATE FAMILY.

Any of the following named members of an employee's household at the time the employee reports for duty at a new PDS or performs authorized/approved OCONUS [outside the Continental United States] tour RAT [renewal agreement travel] or separation travel: ...

B. children of the employee or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (NOTE: "Children" includes natural offspring; stepchildren; adopted children; grandchildren, legal minor wards or other dependent children who are under legal guardianship of the employee or employee's spouse; also, a child born and moved after the employee's effective date of transfer because of advanced stage of pregnancy, or other reasons acceptable to the DoD component concerned, e.g., awaiting completion of the school year by other children (50 Comp. Gen. 220 (1970); 66 id. 497 (1987)));

....

Claimant states that at the time his PCS orders were issued, his daughter was twenty-one years old. For the purposes of the JTR, unless his daughter was physically or mentally incapable of self-support (and claimant has not suggested that she was), she was no longer

a dependent of a DoD employee for the purpose of entitlement to dependent travel benefits. As claimant's daughter was not under twenty-one years of age when the travel orders were issued, she did not meet the definition of dependent for purposes of entitlement to travel benefits. Verol F. Brown, GSBCA 14265-TRAV, 98-2 BCA ¶ 29,922. Claimant states that DoD issues dependent identification cards for children who are full time students up to the age of twenty-three for other entitlements, such as base privileges. This does not affect or extend the entitlement for dependent travel as set forth in the above regulations.

Decision

The claim is denied.

ALLAN H. GOODMAN
Board Judge