

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

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April 8, 2003

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GSBCA 15990-RELO

In the Matter of SHERRI D. JACKSON

Sherri D. Jackson, Yaounde, Cameroon, Claimant.

Dennis J. Gallagher, Assistant Legal Adviser, Department of State, Rosslyn, VA,  
appearing for Department of State.

**DANIELS**, Board Judge (Chairman).

Foreign Service officer Sherri D. Jackson seeks payment of the costs of shipping a personally-owned vehicle from the United States to her new duty station in Yaounde, Cameroon. The Department of State denied her request.

Background

Ms. Jackson owned and operated a vehicle while serving at her former post of Nairobi, Kenya. Upon leaving Kenya, she sold that vehicle rather than having it shipped to Cameroon. While in the United States on home leave, she purchased another vehicle. It is the latter car which she asks to have shipped to Cameroon.

Ms. Jackson explains that the vehicle she owned and operated in Kenya was a right-hand drive car which she had purchased while on a previous assignment in Japan and had had shipped to Kenya. (A right-hand drive vehicle has the steering wheel on the right side; it is made for use in countries where vehicles travel on the left side of the road.) She did not want to drive this car in Cameroon because of safety concerns. In Cameroon, unlike Kenya, vehicles travel on the right side of the road, making a right-hand drive car unconventional and a particular hazard in a country where what she characterizes as "bad road conditions, horrendous traffic and poor driving habits" make any driving difficult.

Ms. Jackson's request was considered and denied by the State Department's Committee on Exceptions to the Foreign Service Travel Regulations.

Discussion

Section 901 of the Foreign Service Act authorizes the Secretary of State to –  
pay the travel and related expenses of members of the [Foreign] Service and  
their families, including costs or expenses incurred for –

....

(13) transporting, for or on behalf of a member of the Service, a privately owned motor vehicle in any case in which the Secretary determines that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination, but transportation may be provided under this paragraph for only one motor vehicle of a member during any 48-month period while the member is continuously serving abroad, except that another motor vehicle may be so transported as a replacement for such motor vehicle if such replacement –

(A) is determined, in advance, by the Secretary to be necessary for reasons beyond the control of the member and in the interest of the Government, or

(B) is incident to a reassignment when the cost of transporting the replacement motor vehicle does not exceed the cost of transporting the motor vehicle that is replaced.

22 U.S.C. § 4081 (2000).

The Secretary has implemented this grant of authority in section 165 of volume 6 of the Foreign Affairs Manual (FAM). This section establishes two separate authorities for the State Department to ship replacement personally-owned vehicles to Foreign Service officers stationed abroad.

The first authority deals with periodic replacement of vehicles. It allows the transportation of one vehicle from the United States or other designated place of purchase to an employee's post abroad as the replacement of a vehicle previously transported at Government expense. The transportation may be authorized, however, only if certain conditions are met. Among them are:

(1) There is a lapse of at least four years between the initial date of shipment from the United States of the vehicle to be replaced at the employee's present or previous post abroad and the date on which the transportation of the replacement vehicle will commence; [and]

(4) The employee has not received cost-constructive shipment of a new [personally-owned vehicle] or previous State or agency elective alternatives during the prior four-year period.

6 FAM 165.4. Because Ms. Jackson received shipment of a vehicle at her previous post of assignment in Kenya within the four-year period preceding her transfer to Cameroon, she is

not entitled to shipment of another car from the United States as a periodic replacement of the car she had while in Kenya.

The State Department may also transport from the United States, as an emergency replacement, one additional vehicle for a Foreign Service officer during any four-year period. The Department may do this when its authorizing officer determines, in advance, that:

- (1) The replacement is in the interest of the U. S. Government and is necessary for reasons beyond the control of the employee; and
- (2) The use of the replacement vehicle is in the interest of the U. S. Government.

6 FAM 165.3(a). "Conditions warranting emergency replacement of motor vehicles," the manual provides, "include loss or destruction of the motor vehicle through fire, theft, accident, rapid deterioration due to severe climate or driving conditions at a post abroad, civil disturbance, military actions, riot, or similar causes." *Id.* 165.3(b). An authorizing officer did not make the two required determinations in advance of Ms. Jackson's transfer – and reasonably so, because a concern for traffic safety, while perfectly legitimate, is not similar to any of the causes listed in section 165.3(b) as warranting emergency replacement.

The State Department points out that under its normal procedure, it would have paid for the shipment of Ms. Jackson's former vehicle from Kenya to Cameroon. FAM 165.1(a). Alternatively, in accordance with Department policy, it would have paid for some of the cost of the shipment of her newly-acquired vehicle from the United States to Cameroon – the portion of the cost which did not exceed the cost of shipping the former vehicle from Kenya to Cameroon. The Department says that Ms. Jackson may still avail herself of the second option.

#### Decision

The State Department properly rejected Ms. Jackson's request. Her claim is denied.

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STEPHEN M. DANIELS  
Board Judge