

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

September 2, 2003

GSBCA 16140-RELO

In the Matter of DARRIN L. GILBERT

Darrin L. Gilbert, Spokane, WA, Claimant.

Edward T. Nasalik, Executive Director, Heartland Finance Center, General Services Administration, Kansas City, MO, appearing for General Services Administration.

GOODMAN, Board Judge.

Claimant, Darrin L. Gilbert, is an employee of the Federal Protective Service. At the time relevant to this case, that Service was a part of the General Services Administration. Mr. Gilbert has requested that this Board review the agency's decision to deny him costs arising from a permanent change of station (PCS) move.

Factual Background

Claimant received travel orders for a PCS from Auburn, Washington, to Spokane, Washington. He was authorized a househunting trip (HHT) at a cost not to exceed \$1941.88. Claimant departed his duty station on March 11, 2003, in his private vehicle for a househunting trip with his spouse. During the HHT he was advised that he needed to return to his old duty station in order to meet with an appraiser of his residence and to meet with his movers. He returned to his old duty station on March 16, 2003. On March 19 he and his spouse returned to the vicinity of the new duty station in his private vehicle and continued house hunting. They returned to the old duty station on March 22, 2003. Claimant submitted a travel voucher for a total costs of \$1618.38, or \$323.50 less than the amount authorized. He claimed lodging costs, but not mileage, for his second trip.

The agency denied reimbursement of \$674.64, the costs claimed for the second trip. The agency states:

We have processed a payment to Mr. Gilbert totaling \$943.74 for a house-hunting trip from March 11, 2003, through March 16, 2003. Mr. Gilbert also requested an additional reimbursement totaling \$674.64 for a house-hunting trip on from [sic] March 19, 2003, through March 22, 2003.

Mr. Gilbert's request for reimbursement for the March 19, 2003, house-hunting trip totaling \$674.64 was denied. According to the Federal Travel Regulations [sic], in connection with their relocation, GSA may only reimburse associates for one round trip for themselves and/or their spouse.

Discussion

The authorizing statute limits allowable reimbursement to the expenses of one HHT. That statute provides that an agency:

May pay to or on behalf of an employee who transfers in the interest of the Government between official stations located within the United States -- the expenses of transportation of the employee and the employee's spouse for travel to seek permanent residence quarters at a new official station.

5 U.S.C. §5724a(b)(1)(A) (2000).

The statute also provides that:

Expenses may be allowed under paragraph (1) only for one round trip in connection with each change of station of the employee.

5 U.S.C. §5724a(b)(2).

The Federal Travel Regulation (FTR) in effect at the time of claimant's move states:

§302-5.8 How many househunting trips may my agency authorize in connection with a particular transfer?

Your agency may authorize only one round trip for you and/or your spouse in connection with a particular transfer.

.....

§302-5.11 Is there a time limit on the duration of a househunting trip?

A househunting trip should be for a reasonable period, not to exceed 10 calendar days, as authorized by your agency under § 302-5.101(d).

41 CFR 302-5.8, -5.11 (2002).

Under circumstances similar to claimant's we have held that an employee is only entitled to costs of one round trip. Decisions of the Comptroller General have held that since only one round trip is authorized by law and regulation, the number of calendar days authorized must be used consecutively in order to be encompassed within a round trip. See Colleen A. Small, B-202506 (Aug. 20, 1981), and cases cited therein. Even though both of claimant's trips encompassed less time and claimant incurred less costs than authorized, the

law and regulation do not entitle claimant to reimbursement for more than one trip.
Thomas T. Hancock, GSBCA 15418-RELO, 00-1 BCA ¶ 31,286.

Decision

The claim is denied.

ALLAN H. GOODMAN
Board Judge