

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

July 24, 2003

GSBCA 16150-RELO

In the Matter of JACQUES E. MOSS

Jacques E. Moss, Fort Hood, TX, Claimant.

Judy Hughes, Travel Pay Services, Systems and Procedures, Defense Finance and Accounting Service, Columbus, OH, appearing for Defense Finance and Accounting Service.

PARKER, Board Judge.

Background

Jacques E. Moss was transferred by his employer, the Department of Defense (DoD), from Germany to Fort Hood, Texas, in December 2002. In Texas, Mr. Moss registered the car he had had shipped from Germany. The registration fee was \$2,420.

As partial reimbursement for the registration fee, Mr. Moss received a miscellaneous expenses allowance of \$1139.20, which is equal to two weeks of his basic pay. Mr. Moss has asked the Board to review DoD's decision not to reimburse the entire fee. In support of his claim, Mr. Moss points out that he was informed prior to the move, by a person in Germany and by one in Texas, that he would be reimbursed for the registration expense.

Discussion

An employee who is transferred in the interest of the Government is entitled to reimbursement for certain miscellaneous expenses. 5 U.S.C. § 5724(f) (2000). This entitlement is implemented by part 302-16 of the Federal Travel Regulation (FTR). The Joint Travel Regulations (JTR), which implement and supplement the FTR for civilian employees of the Department of Defense, also provide for payment of a miscellaneous expenses allowance in connection with an authorized permanent change of station. The purpose of the miscellaneous expenses allowance is to defray various contingent costs associated with discontinuing a residence at one location and establishing a residence at a new location. 41 CFR 302-16.2 (2002); JTR C9000. The types of costs covered include such items as fees for disconnecting and connecting appliances, cutting and fitting rugs moved from one residence to another, unrefunded utility fees or deposits, forfeiture losses

on medical, dental and other non-transferrable contracts, and costs of automobile registration and driver's license. 41 CFR 302-16.1; JTR C9000. A transferring employee with an immediate family is automatically entitled to the lesser of \$1000 or two weeks' basic pay. If additional amounts are justified, miscellaneous expenses may be reimbursed up to a maximum of two weeks' basic pay, not to exceed the maximum rate payable for a position at GS-13 of the General Schedule. 5 U.S.C. § 5724(f)(1), (2); 41 CFR 302-16.103; JTRC9004. See Troy W. Cavenee, GSBCA 15635-RELO, 02-1 BCA ¶ 31,683; Samuel G. Baker, GSBCA 15408-RELO, 01-1 BCA ¶ 31,276; John McAveney, GSBCA 15202-RELO, 00-1 BCA ¶ 30,818.

Mr. Moss is not entitled to additional reimbursement because he has already been paid the maximum miscellaneous expenses allowance permitted by law -- an amount equal to two weeks' basic pay. The fact that Mr. Moss may have been advised that he would be paid more does not change this result. It is well-settled that a Government official may not obligate the Government to spend money in violation of statute or regulation. E.g., Kevin S. Foster, GSBCA 13639-RELO, 97-1 BCA ¶ 28,688 (1996). In other words, erroneous advice, although unfortunate, cannot create an entitlement where none exists. Aman B. Kay, GSBCA 15543-RELO, 01-2 BCA ¶ 31,508; Barbara A. Caviness, GSBCA 15390-RELO, 01-2 BCA ¶ 31,498.

Decision

The claim is denied.

ROBERT W. PARKER
Board Judge