

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

August 28, 2003

GSBCA 16181-RELO

In the Matter of ROSCOE C. HOWARD, JR.

Roscoe C. Howard, Jr., Washington, DC, Claimant.

Steven J. Parent, Chief Financial Officer, Executive Office for United States Attorneys, Department of Justice, Washington, DC, appearing for Department of Justice.

GOODMAN, Board Judge.

Claimant, Roscoe C. Howard, Jr., is an employee of the Department of Justice. He has requested this Board to review the agency's decision to deny certain costs for which claimant sought reimbursement as the result of his move to his official duty station.

Factual Background

On August 31, 2001, relocation expenses were authorized for the transfer of claimant, a new hire, from Lawrence, Kansas, to Washington, D.C.

On November 5, 2002, claimant filed his travel voucher for reimbursement of relocation expenses. The agency disallowed per diem for his family during en route travel in the amount of \$105.08 and a miscellaneous expense of \$589.48, which included \$279.48 for his family to stay in a hotel while the house was packed up, a \$10 charge for the family dog to also stay in the hotel, and three \$100 tips for the movers.

Claimant asks this Board to review his claim and reconsider the denial of his expenses because he was asked and agreed to report for duty immediately, and because of his prior federal service.

Claimant's agency states as follows:

Due to the imminent nature of his assignment, Mr. Howard flew to Washington, leaving his family, residence, and vehicle behind. Mr. Howard's family did not join him until June of the following year.

If there had been more time allotted for his move, the claimant would have driven along with his family thereby being allowed reimbursement of the hotel charges. Also, he would have been able to participate in preparing for the household move. Although the FTR [Federal Travel Regulation] does not authorize new hires to receive a miscellaneous expense allowance, . . . current employees are authorized a miscellaneous expense allowance. The claimant is a former federal employee (including work in this office as well as in other federal positions) and believes that there could be some leeway based on his prior service and his willingness to respond to the Department's request that he assume his duties immediately.

Discussion

As the agency points out in its own submission, the FTR clearly denies claimant entitlement to the costs for which he seeks reimbursement. Family members of new appointees are not entitled to per diem and miscellaneous expenses. 41 CFR 302-1.10(f) (2001). There are no exceptions of which we are aware for former federal employees or newly-hired employees who respond to an agency request to assume their new duties immediately. The agency correctly denied reimbursement of these costs.

Decision

The claim is denied.

ALLAN H. GOODMAN
Board Judge