

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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November 28, 2003

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GSBCA 16243-RELO

In the Matter of PATRICK O. WALSH

Patrick O. Walsh, Lakewood, CO, Claimant.

C. Bruce Sheaffer, Comptroller, National Park Service, Department of the Interior, appearing for Department of the Interior.

NEILL, Board Judge.

Claimant, Mr. Patrick O. Walsh, asks that we review his agency's denial of his request for reimbursement of expenses associated with renting a car for the first eight days spent at his new duty station. For the reasons stated below, we affirm the agency's denial of the claim.

## Background

In March of this year, Mr. Walsh transferred from a permanent duty station (PDS) with the United States Navy at Pearl Harbor, Hawaii, to a new PDS with the National Park Service in Denver, Colorado. The transfer was deemed to be in the Government's interest. His travel authorization provided, among other things, for the shipment of his household goods and for payment of his temporary quarters and subsistence expenses (TQSE) for thirty days. In arranging for the transfer, the Park Service also was disposed to pay for the shipment of Mr. Walsh's privately owned vehicle.

Due to the time required to ship Mr. Walsh's vehicle to his new duty station, he was told that his vehicle would not be available to him for at least four weeks after his arrival in Denver. In view of the expected delay, claimant, on arriving at Denver and while still in temporary quarters, decided to purchase a second vehicle. It took Mr. Walsh eight days to shop for and eventually purchase the vehicle. In the meantime, he rented a car to meet his transportation needs.

Mr. Walsh's subsequent claim for reimbursement of the costs associated with renting a car during that brief eight-day period was rejected by his agency on the grounds that payment was not authorized under the Federal Travel Regulation (FTR). In response, Mr.

Walsh writes: "Because of the logistics involved in relocating from outside the continental U.S., use of a rental car at the new duty station for a brief period of time was an unavoidable and legitimate relocation expense." He asks, therefore, that we review the agency's denial of his claim.

### Discussion

In rejecting Mr. Walsh's claim, the agency relies on an express provision of the FTR which reads in part: "TQSE does not include local transportation expenses incurred during occupancy of temporary quarters . . . ." 41 CFR 302-6.2 (2002) (FTR 302-6.2). This provision also refers readers to a related provision which reads:

May I be reimbursed for local transportation expenses incurred while I am occupying temporary quarters?

Generally no; local transportation expenses are not TQSE, and there is no authority to pay such expenses under TQSE. You may, however, be reimbursed under part 301-4 of this subtitle for necessary transportation expenses if you perform local official business while you are occupying temporary quarters.

FTR 302-6.18.

Nothing in the record indicates that claimant needed a rental car for purposes of conducting official business in the Denver area. Rather, his purpose in renting the vehicle appears to have been to meet personal local transportation needs, such as getting between work and his temporary quarters or shopping for a second vehicle. We, therefore, find the agency's reliance on the FTR provisions it cites in its report to us to be well placed and entirely in accordance with the many rulings we ourselves have made on similar claims. See, e.g., Thomas Slonaker, GSBCA 15425-RELO, 02-1 BCA ¶ 31,447; Jacqueline Williams, GSBCA 15026-RELO, 99-2 BCA ¶ 30,538; Brian P. Gariffa, GSBCA 13798-RELO, 97-2 BCA ¶ 29,033; Thomas S. Ward, GSBCA 13825-RELO, 97-1 BCA ¶ 28,955.

Mr. Walsh apparently believes that, because his relocation was from outside the continental United States (OCONUS) rather than simply from a duty station within the continental United States (CONUS), he is entitled to different treatment. He does not provide us, however, with any statutory or regulatory authority, and we know of none, which would justify departure from the established rule. Indeed, we have previously held that employees transferring to a duty station in CONUS from an OCONUS post are nonetheless subject to the same restriction -- even where the agency, in recognition of the longer time required to ship the employee's vehicle, has mistakenly authorized use of a rental car at the new duty station while on TQSE. Daniel M. Robers, GSBCA 15525-RELO, 01-2 BCA ¶ 31,454; Michael L. Noll, GSBCA 15136-RELO, 00-1 BCA ¶ 30,887. The distinction which claimant attempts to make with regard to his own specific case, therefore, does nothing to undermine the correctness of the agency's ruling, which we affirm.

Decision

Mr. Walsh's claim is denied.

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EDWIN B. NEILL  
Board Judge