

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

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October 6, 2003

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GSBCA 15971-TRAV

In the Matter of REBECCA L. KALAMASZ

Rebecca L. Kalamasz, Walla Walla, WA, Claimant.

Cynthia R. Blevins, Deputy Director, United States Army Corps of Engineers Finance Center, Millington, TN, appearing for United States Army Corps of Engineers.

**HYATT**, Board Judge.

Claimant, Rebecca L. Kalamasz, a civilian employee of the United States Army Corps of Engineers, was authorized to transport her personally owned vehicle (POV) from Washington to Hawaii for use during an extended temporary duty at the Honolulu District. After she returned to her official duty station, the Corps determined that it lacked the authority to authorize transportation of her POV to Hawaii and has sought to recover the amount it paid. Claimant has asked us to review this decision.

Background

Ms. Kalamasz was selected by the Corps to participate in a leadership development program and, in conjunction with this program, was assigned to participate in a six-month training program at the Honolulu District in Hawaii. Pursuant to regulations applicable to extended official travel, she was placed on a reduced level of per diem which, according to claimant, required her to obtain housing at a location fairly remote from the Honolulu District's offices. The Transportation Officer for the Walla Walla District requested a cost comparison of the various means by which Ms. Kalamasz could travel from her lodging to the District Office. The alternatives considered by the Corps included the expense of round-trip taxi fares on a daily basis, the cost a rental vehicle for the duration of the assignment, or the cost of round trip shipment of her personally owned vehicle (POV) to Honolulu. The cost of shipping Ms. Kalamasz's car to Hawaii was substantially less expensive than either of the other alternatives. The Corps authorized shipment of her POV based on this cost comparison.

After auditing claimant's travel voucher, the Corps' Finance Center determined that the Walla Walla District lacked the authority under applicable regulations to approve shipment of claimant's POV to Hawaii. The Finance Center has informed Ms. Kalamasz that she must reimburse the Government the \$1714 it cost the Government to ship her car to and from Hawaii for the duration of her temporary duty (TDY) assignment. This has prompted claimant to request our review.

### Discussion

To determine eligibility to entitlements while traveling on official business for the purpose of receiving training, it is generally necessary to determine the nature of the assignment. Chris W. Giggey, GSBCA 13979-RELO, 97-2 BCA ¶ 29,312. In this case, the only information we have is that the employee was assigned to a six-month stint at the Honolulu District for training. As the Board has previously explained, generally speaking, travel and transportation costs incurred by federal employees for which the Government is responsible fall within two categories: (1) temporary duty while on official business away from an employee's designated post of duty, see generally 5 U.S.C. §§ 5701-5706 (2000), and (2) relocation from one permanent duty station to another, see generally 5 U.S.C. §§ 5721-5729. These statutory provisions are implemented in the Federal Travel Regulation (FTR). The Joint Travel Regulations (JTR) implement and supplement the FTR with respect to civilian employees of the Department of Defense. Travel for training is governed by 5 U.S.C. § 4109 and is in a class by itself; it borrows from the principles established for the other categories but is separate from both of them. Giggey; Michael G. Pond, 58 Comp. Gen. 253 (1979).

Although an agency may authorize reimbursement of the costs of transporting a POV in connection with a permanent change of station (PCS), in general there is no source of authority to permit shipment of a personally owned vehicle to be used in connection with temporary duty travel or training. See Della Triggs, B-249,820 (Jan. 28, 1993). The exception to this rule is a temporary change of station (TCS), a concept which was introduced into the Federal Travel Regulation (FTR) in 1997, based upon 5 U.S.C. § 5737. Giggey. A TCS may be authorized when an employee is performing extended temporary duty for a period of no less than six months and no more than three years. Among the expenses which may be reimbursed in connection with a TCS is the shipment of a POV to the temporary duty station.

The key issue here is whether Ms. Kalamasz's six-month assignment was considered to be extended temporary duty, training, or a TCS. There is very little information available to us as to the nature of the assignment or training activities contemplated. In this case, the agency's written travel orders primarily approved benefits that are appropriate for extended temporary duty travel or training, but combined them with at least one benefit that may only be allowed for a temporary change of station. Since this assignment was intended to last for six months, it would appear that the agency had the discretion to choose either option depending on the circumstances and the anticipated costs. It is not clear from the information provided to the Board whether the agency wanted to or would have authorized a TCS to take advantage of the flexibility to permit shipment of a POV or not. If this was the intent, the District may remedy the inequity that has occurred here by retroactively revising Ms.

Kalamasz's travel orders to properly reflect what was intended.<sup>1</sup> See, e.g., Thomas A. McAfoose, GSBCA 15295-RELO, 00-2 BCA ¶ 31,009.

If claimant's travel office intended to authorize TDY, and not a TCS, then it would also be appropriate, under the extenuating circumstances described here, for the agency to consider waiving repayment of the debt. This is particularly the case given that the Government in fact saved a substantial sum of money, given the cost of providing alternative local transportation options to claimant, and claimant should not be expected to shoulder this particular expense of travel to perform a work-related assignment away from her official duty station. Although the Board has no power to provide this remedy to a claimant, the agency, in cases where collection would not be equitable and in the best interest of the United States, may exercise its discretion to waive collection of the amount owed. 5 U.S.C. § 5584(a)(2)(A); Jacqueline G. Sablan, GSBCA 15961-TRAV, 03-2 BCA ¶ 32,309; Jennings W. Bunn, Jr., GSBCA 15656-TRAV, 02-2 BCA ¶ 31,930.

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CATHERINE B. HYATT  
Board Judge

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<sup>1</sup> This would entail computing what claimant's entitlements would be under a TCS as opposed to under the standard TDY travel order. Although Ms. Kalamasz ultimately completed her assignment in under six months, this would not, after the fact, alter the initial determination of the nature of the original detail.