

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

January 30, 2001

GSBCA 15418-RELO

In the Matter of THOMAS T. HANCOCK

Thomas T. Hancock, Melbourne, FL, Claimant.

Charles N. Stockwell, Denver Travel and Vendor Pay Division, Defense Finance and Accounting Service, Denver, CO, appearing for Department of Defense.

BORWICK, Board Judge.

In this matter, Mr. Thomas T. Hancock, a civilian employee of the Department of the Navy, contests the agency's refusal to reimburse him for expenses incurred for a second house hunting trip (HHT) in connection with his permanent change of station (PCS). We deny the claim since the agency correctly applied statute and the Joint Travel Regulations (JTR), which limit claimant and his spouse to one HHT.

The agency transferred claimant from the Navy Public Works Center, Jacksonville, Florida, to Patrick Air Force Base (AFB), Florida, and by authorization of May 9, 2000, granted, among other entitlements, a HHT. Claimant and his spouse took a HHT from May 19 through May 21, and the agency reimbursed claimant \$424.25 for allowable incurred expenses.

Claimant and his spouse then took a second HHT from May 25 through May 27 and sought reimbursement of \$277.88 for lodging and privately owned conveyance mileage. Claimant states that the Division Director at his old station required him to earn and use compensatory leave for time off to take the HHT. Claimant explains that he did not want to use leave for the HHT, so he made two weekend HHTs instead of one during the week. He also states that he was given no guidance on the use of the HHT the agency allowed.

Claimant is not entitled to reimbursement for the second HHT. The authorizing statute limits allowable reimbursement for 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). However, the statute also provides that:

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

5 U.S.C. § 5724a(b)(2).

The JTR provide that agencies may authorize one round-trip HHT for the employee and spouse in connection with a PCS. JTR C4107-E (Feb. 1, 2000). The cost of two round-trip HHTs is not reimbursable. Colleen A. Small, B-202506 (Aug. 20, 1981).

The JTR also authorize the agency to allow separate HHTs for the employee and spouse, provided that the overall cost to the Government is limited to the cost of one round trip for the spouse and employee traveling together. JTR C4107-E. This provision does not apply in this case because claimant and his spouse took the two HHTs together.

The Division Director's decision to put claimant on compensatory leave instead of duty status during claimant's HHT cannot serve to enlarge claimant's entitlement to one HHT under statute and regulation.¹ Claimant complains that the agency did not properly advise him of the limitations on the use of HHTs. Even if that were the case, it does not assist claimant, since it is claimant's responsibility to be familiar with the conditions and limitations on entitlements granted by statute and regulation. Elizabeth Lynn Taylor, GSBGA 15128-RELO, 00-1 BCA ¶ 30,749.

The claim is denied.

ANTHONY S. BORWICK
Board Judge

¹ The JTR does provide that during a HHT an employee "is on duty status at no charge to leave." JTR C4107-R. There is a separate procedure for employees to contest pay and leave issues. Statute gives authority to the Director of the Office of Personnel Management to settle claims involving federal civilian employees' leave and pay. See 31 U.S.C. § 3702(a)(2).