

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

October 4, 2002

GSBCA 15922-RELO

In the Matter of WILLIAM S. ZEIGLER

William S. Zeigler, Seoul, Korea, Claimant.

Walter Folger, Attorney-Advisor, Area II Civilian Personnel Advisory Center, Department of the Army, Seoul, Korea, appearing for Department of Defense.

WILLIAMS, Board Judge.

William S. Zeigler, a personnel management specialist with the Department of the Army, has filed a claim with this Board seeking an additional payment for a living quarters allowance (LQA). The agency denied Mr. Zeigler a full LQA entitlement because the amount of his lease agreement in Seoul, Korea, exceeded the prices required by the agency's Fair Market Value (FMV) program.

On September 8, 2001, claimant signed a two-year lease for an apartment in Seoul, Korea, in the amount of Won 84,000,000, of which the entire amount had to be paid to the landlord in advance. The agency's housing office, based on its FMV program, allowed only Won 81,600,000, a difference of Won 2,400,000 that claimant had to pay out of his personal funds. Claimant seeks Won 2,400,000 and asks that the Board direct the agency's housing office to discontinue its FMV Program until it implements proper procedures which are fair, equitable, and in accordance with the Department of State requirements.

The agency has requested that the Board dismiss this case since it concerns a claim for LQA, which is outside the Board's jurisdiction and within the jurisdiction of the Office of Personnel Management (OPM). The agency is correct. As this Board has consistently recognized, "LQA is not an expense of travel, transportation, or relocation; since it is an allowance which accrues to an employee after he has traveled to a place and relocated there, it is more properly viewed as a species of compensation." Donald Guenther, GSBCA 14032-RELO, 97-1 BCA ¶ 28,795, at 143,640; accord Wilma F. Sexton, GSBCA 13790-RELO, 97-1 BCA ¶ 29,855; Carmon L. Woodley, GSBCA 13706-RELO, 97-1 BCA ¶ 28,861. Claims regarding LQA for civilian employees are not heard by this Board, but are referred, as are claims for compensation, to OPM. Id.

Accordingly, this claim is dismissed and is transferred to OPM for resolution.

MARY ELLEN COSTER WILLIAMS
Board Judge