

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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June 23, 2004

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GSBCA 16406-RELO

In the Matter of KIMBERLY SHELTON

Kimberly Shelton, Lakewood, CO, Claimant.

Scott Shevlin, Manager, Finance and Accounting Division, Bureau of Reclamation, Denver, CO, appearing for Department of the Interior.

**PARKER**, Board Judge.

The Bureau of Reclamation's (BLM's) Finance and Accounting Division has requested an advance decision on the issue of whether it may pay temporary quarters subsistence expenses (TQSE) for a day in which one of its employees lodged at a location that was neither at the employee's old nor new duty stations. We hold that, in this unusual case, the agency may pay the claimed expenses.

## Background

In connection with her transfer from Albuquerque, New Mexico, to Grand Junction, Colorado, Kimberly Shelton was authorized thirty days of TQSE. Because she was required to report to her new duty station right away, Ms. Shelton left Albuquerque on January 27, 2004, two days after she was authorized to begin travel. At that time, Ms. Shelton had not been provided with the name of the mover she was to use, or any paperwork which would have allowed her to begin the process of arranging for transportation of her household goods. Ms. Shelton arrived in Grand Junction on January 28 and began occupancy of temporary quarters.

A short time later, Ms. Shelton was sent on temporary duty to Denver, Colorado. On February 20, Ms. Shelton left Denver to return to Albuquerque to meet with the movers, who were packing her furniture that day. Ms. Shelton traveled by the usual route used when mountain passes are snowed in, stopping in Farmington, New Mexico, for one night along the way. The distance from Denver to Albuquerque via this route is approximately 500 miles. The agency does not question Ms. Shelton's choice of route.

BLM asks the Board whether it may pay TQSE expenses for the day Ms. Shelton lodged in Farmington, which is located at neither her old nor new duty stations.

### Discussion

According to the Federal Travel Regulation, TQSE "is intended to reimburse an employee reasonably and equitably for subsistence expenses incurred when it is necessary to occupy temporary quarters." 41 CFR 302-6.3 (2003). The agency correctly recognizes that, generally, a transferred employee and his immediate family "may occupy temporary quarters only within reasonable proximity of [his] old and/or new official stations." Id. 302-6.9. The regulation goes on to state, however:

Neither you nor your immediate family may be reimbursed for occupying temporary quarters at any other location, unless justified by special circumstances that are reasonably related to your transfer.

Id. (emphasis added).

Ms. Shelton's lodging for one night in Farmington may be justified as a special circumstance that was reasonably related to her transfer. As she points out, she was required to report early to her new duty station, before she had received any information which would have allowed her to arrange for transportation of her household goods. For her to be present when the movers picked up her furniture, Ms. Shelton had to travel from her temporary duty station in Denver back to Albuquerque. Because of weather conditions, she took a reasonable route that required her to spend the night in Farmington. Although Farmington is not within reasonable proximity of either her old or new duty stations, under these special circumstances, which were clearly related to her transfer, the agency may pay Ms. Shelton TQSE for the day in which she lodged in Farmington.

ROBERT W. PARKER  
Board Judge