

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

November 19, 2004

GSBCA 16478-TRAV

In the Matter of CHRISTINE A. MARTIN

Christine A. Martin, Arlington, VA, Claimant.

Judy Hughes, Travel Policy Services, Defense Finance and Accounting Service, Columbus, OH, appearing for Department of Defense.

BORWICK, Board Judge.

In this matter the Department of the Navy, agency, sent claimant on an extended temporary duty (TDY) assignment. At her TDY station, claimant rented an apartment and paid an apartment application fee, a move-in amenity fee, and a furniture delivery fee. Claimant submitted a voucher to the agency for reimbursement of those fees and the agency denied reimbursement. Claimant contests the agency's denial at the Board.

The agency acted correctly in denying reimbursement of the fees. Under the Federal Travel Regulation (FTR) and the Joint Travel Regulations (JTR), those fees are payable as part of the lodging per diem. Since the agency had reimbursed claimant the maximum allowable lodging amount for the period in which she incurred the expenses, she is not entitled to a greater payment. Those fees are not payable as miscellaneous expenses.

Background

In January 2004, the agency authorized claimant TDY travel, between January 26 and February 21, 2004, from her permanent duty station in San Diego, California, to The Pentagon in Washington, D.C. The agency then issued another authorization to claimant to extend her TDY in Washington, D.C., for an additional 221 days. The authorization allowed per diem "in accordance with the JTR."

The agency determined that the appropriate maximum per diem payment was \$111 by taking fifty-five percent of the locality rate for Washington, D.C. (\$150 lodging and \$51 for meals and incidental expenses (M&IE)).¹

¹ The \$111 is a rounded-off figure. Fifty-five percent of \$161 is actually \$110.55.

Claimant signed a one-year lease for an apartment in a suburb of Washington, D.C., and paid the landlord a \$300 non-refundable move-in amenity fee. She also paid a \$50 non-refundable apartment application fee and a \$75 furniture delivery fee.

In a voucher dated March 8, 2004, claimant submitted a request for reimbursement of the fees as separate miscellaneous expenses. The agency denied reimbursement of these expenses, explaining in an e-mail message to claimant that all of these expenses would be considered part of the lodging cost and therefore covered under the reduced fifty-five percent per diem rate, so they could not be paid as part of the miscellaneous expense reimbursement. Since the agency had reimbursed claimant the maximum lodging amount, she was not entitled to a greater lodging reimbursement.

Discussion

Claimant seeks reimbursement of three fees—the apartment application fee, the move-in amenity fee, and the furniture delivery fee.

The agency authorized claimant long-term travel for more than 180 days. Under the JTR, for such extended TDY, the agency reimburses claimant for lodging and M&IE at fifty-five percent of the applicable standard lodging and M&IE rate, rounded to the nearest dollar. JTR C4552-I, C4560, C4561-D (Jan. 1, 2004). Lodging and M&IE reimbursement for extended TDY at fifty-five percent of the full rate is required by regulation, in the absence of contrary determination by designated officials. Anthony L. Pressley, GSBCE 14309-TRAV, 98-1 BCA ¶ 29,696.

When an employee rents lodging on a long-term basis, the daily lodging rate is computed by dividing the total lodging cost by the number of days of occupancy in the rental period. Expenses of lodging include the rental cost for a furnished dwelling, or, if unfurnished, the cost of appropriate and necessary furniture and appliances, utility connect/disconnect cost, cost of reasonable maid fees and cleaning services, monthly telephone fees, and if ordinarily included in a hotel room in the area, special user fees such as cable TV charges and plug-in charges for automobile head bolt heaters. 41 CFR 301-11.15 (2003). Reimbursement, however, may not exceed the maximum daily per diem rate for the TDY location. 41 CFR 301-11.14. In this case that maximum per diem rate was \$111.

Case law has recognized that in the context of a permanent change of station transfer and extended TDY assignments, rental application fees and a furniture delivery charge may be reimbursed as elements of the lodging expense reimbursement. Valerie E. Taylor, B-257744 (Feb. 9, 1996); Tita D. Corpuz, B-256576 (Jan. 17, 1996); 41 CFR 301-11.14. Here, the agency had reimbursed claimant for lodging expenses at the maximum allowable rate and could not increase her lodging reimbursement to reflect the extra charges for the apartment application fee, the move-in amenity fee, and the furniture delivery fee. The fees are not payable as miscellaneous expense items.

The Board denies the claim as the agency properly applied the governing regulations.

ANTHONY S. BORWICK
Board Judge