



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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October 15, 2018

CBCA 6059-RELO

In the Matter of DANIEL REA

Daniel Rea, APO Area Europe, Claimant.

Ilona M. Keller, Human Resources Specialist, Civilian Personnel Directorate, Department of the Army, APO Area Europe, appearing for Department of the Army.

**GOODMAN**, Board Judge.

Claimant Daniel Rea is a civilian employee of the Department of Defense (DoD). He has asked this Board to review the agency's denial of his claim for reimbursement of costs for alcoholic beverages that he incurred during a permanent change of station (PCS) move. We find that the agency reasonably exercised its discretion in denying the claim.

Background

Claimant accomplished a PCS from his previous duty station in Kaiserslautern, Germany to his new permanent duty station (PDS) in Garmisch, Germany. He was authorized temporary quarters subsistence allowance (TQSA) pursuant to the Department of State Standardized Regulations (DSSR) from August 20-November 1, 2017.

Claimant states that soon after arrival at his new duty station, he was verbally advised by the agency that costs of alcoholic beverages that he might purchase during his meals in the period of TQSA would not be reimbursed as a TQSA expense. This verbal advice was confirmed by a Statement of Understanding, signed by an agency official and acknowledged by claimant, which stated in part: "Expenses for . . . alcoholic beverages . . . will not be reimbursed."

Claimant was also aware of the provision in the agency's employee handbook which describes TQSA, and states: "Specifically excluded are alcoholic beverage and entertainment expenses, and any expenses incurred for other persons."

During his period of TQSA, the agency advised claimant via email dated September 15, 2017 that reimbursement of alcoholic beverages was not authorized. After his period of TQSA, the agency reiterated via email to claimant dated February 22, 2018 that costs for alcoholic beverages were not authorized for reimbursement.

On March 7, 2018, claimant submitted his claim for TQSA reimbursement, requesting reimbursement of \$149.46, which he stated was the total cost of alcoholic beverages he purchased during his meals. The agency denied reimbursement of the costs of the alcoholic beverages.

### Discussion

The issue here is whether a civilian employee of the DoD can be reimbursed for the purchase of alcoholic beverages during meals in the period of TQSA. The granting of TQSA is authorized by the Overseas Differentials and Allowances Act, 5 U.S.C. §§ 5921 et seq. (2012). The provision of allowances under this statute and the DSSR is a discretionary matter, and agencies enjoy broad discretion in the implementation of these allowances. *Sean P. Tweed-Kent*, CBCA 5528-RELO, 17-1 BCA ¶ 36,797; *Michael J. Krell*, GSBCA 13710-RELO, 98-2 BCA ¶ 30,050.

The DSSR emphasizes the agency's discretion, defining TQSA as "an allowance granted to an employee for the *reasonable* cost of . . . meals," and stating that the amount of TQSA is "the total [actual] amount of the *reasonable and necessary* expenses for the employee and family members." DSSR 121 and 125 (emphasis added). The Joint Travel Regulations (JTR), which apply to civilian employees of DoD, also emphasize that TQSA reimbursement is discretionary and only includes costs which the agency deems reasonable: "TQSA is intended to assist in covering . . . *reasonable* meal . . . expenses. TQSA rules are in DSSR Section 120." JTR C5812. (emphasis added). The JTR's definition of per diem allowance for meals, while not directly referencing meals purchased during TQSA, "[d]oes not cover expenses incurred for alcoholic beverages." JTR, Appendix A.

While the DSSR does not contain a specific prohibition against reimbursement of alcoholic beverages, the lack of a specific prohibition does not restrict the agency's discretion when determining TQSA reimbursement. The agency's decision not to reimburse the costs of alcoholic beverages incurred during an employee's TQSA period comports with the discretionary guidelines in the DSSR and the JTR that such costs must be reasonable and

necessary, and does not conflict with the specific restriction in the JTR for per diem allowances for DoD employees which applies to other travel-related circumstances.

We find that the agency's denial of reimbursement of the costs of alcoholic beverages during meals within an employee's TQSA period is reasonable. This Board will not disturb an agency's reasonable exercise of its discretion in determining the scope of the costs to be reimbursed. *Sean P. Tweed-Kent*. Claimant is not entitled to reimbursement of the costs he incurred to purchase alcoholic beverages during meals within his period of TQSA.

Decision

The claim is denied.

*Allan H. Goodman*

ALLAN H. GOODMAN

Board Judge