



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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January 24, 2018

CBCA 5520-RELO

In the Matter of SHAWNIE M. PETERS

Shawnie M. Peters, APO Area Europe, Claimant.

Brett R. Howard, Assistant Command Counsel, Europe District, Army Corps of Engineers, Department of the Army, APO Area Europe, appearing for Department of the Army.

**KULLBERG**, Board Judge.

Claimant, Shawnie M. Peters, seeks review of the United States Army Corps of Engineers' (USACE) partial denial of reimbursement of her miscellaneous expense allowance (MEA) claim incident to her relocation to her permanent duty station (PDS) in Germany. The USACE contends that Ms. Peters was properly reimbursed for the full amount of her MEA claim at the flat-rate amount of \$1300. For the reasons stated below, the Board denies the claim.

Background

On or about June 1, 2015, Ms. Peters transferred overseas to her current PDS in Germany. Her spouse and two children accompanied her. On May 17, 2016, Ms. Peters submitted her itemized MEA claim that consisted of the following expenses: an overseas telephone call to her supervisor, \$132.26; fees for passports for two dependents, \$185 each; birth certificate, \$52; detailed personally owned vehicle (POV) for shipping, \$108.07; drained fuel from POV, \$40; hotel stay after driving POV to the vehicle processing center (VPC) for shipment, \$136.73; rental car for return trip from VPC, \$176.44; two pet crates,

\$232.64; pet health inspections, \$676.90; Department of Agriculture (USDA) certifications for pets, \$38; emergency tags for pets, \$98.92; purchase of suitcases, \$414.34; airline travel for pets, \$900; pet fees while staying in hotel, \$654.24; pet fees while staying in Army Lodge, \$1124; and utility fee, \$99.<sup>1</sup> Ms. Peters provided copies of receipts to support each expense in addition to a summary of all expenses.

In response to Ms. Peters' MEA claim, the USACE advised her in an email dated May 17, 2016, of the following:

- (1) Official passports are available at no charge for employees PCSing. You will have to provide sufficient evidence that you were unable to get official passport in order to claim the passport costs.
- (2) Preparation of your POV for shipment is not an allowable expense, so no detailing or fuel draining.
- (3) The only allowable costs involved with pets are transportation and quarantine. No shots, exams, or boarding fees are allowable.
- (4) The costs related to dropping off your POV are filed on a voucher for POV drop off. You will not get the hotel costs, but will get mileage, and rental car, however, you will need to provide a cost comparison . . . showing what it would have cost to fly.
- (5) The phone call will more than likely not be reimbursable due to the fact that it is not in the most cost effective means of communication, unless there was an unusual circumstance that required the call.

Additionally, Ms. Peters was advised that the majority of her claimed expenses would be denied.

Ms. Peters responded to the USACE's objections to her MEA claim in an email also dated May 17, 2016, as follows:

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<sup>1</sup> Ms. Peters' itemized list of expenses in her MEA claim stated that the passport fee for one dependent was \$185 and the fee for the other dependent was \$186. The receipts attached to her claim, however, showed that the fee for each dependent was \$185. The fee of \$185 for each passport consisted of the following: passport book, \$80; expedite fee, \$60; photo fee, \$20; and execution fee, \$25.

1. Official “red” passports [were] obtained for no cost, but we had been told we had to get new passports for our kids since they were going to expire in the next year. We did not have enough time to get the passports without going the expedited route.
2. No problem, when I checked into these expenses I was told to submit them in [miscellaneous].
3. Dog crates are required for travel by the airline, specific dog crates with specific requirements on size and durability. We will not use them again until we travel back to the states. They will not be reimbursed?
4. The Health Certificate Exam was the only way to get the health certificate, which was the only way to get clearance through the USDA for travel which had to happen between 3 and 5 days prior to travel. No shots, no boarding. The animals stayed with us in the hotel room, and we had been charged a fee for each day, like the extra occupant fee for the family. The animals [were] in “transit” at the hotel with us until we moved into a residence.
5. Understood.
6. My supervisor . . . arranged the phone call. I was unaware that I would be charged at all, let alone international rates. I was following direction provided to me by my future supervisor.

On October 21, 2016, Ms. Peters submitted a revised MEA claim in the amount of \$1032.26.<sup>2</sup> The USACE determined that Ms. Peters was entitled to reimbursement for only the following expenses: birth certificate, \$52; airline travel for pets, \$900; and the utility fee, \$99. Ms. Peters, however, was reimbursed for her MEA at the flat rate of \$1300, which was greater than the total of the reimbursable expenses in her MEA claim.

Additionally, Ms. Peters submitted a separate travel voucher for driving her POV to the VPC for overseas shipment. The USACE has represented that Ms. Peters was “reimbursed \$176.64 for mileage associated with the POV drop-off.” That amount included reimbursement in the amount of \$58.88 for mileage that totaled 256 miles and an additional reimbursement of \$117.76. Also, the USACE represented that Ms. Peters was not

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<sup>2</sup> Ms. Peters’ revised MEA claim consisted of only airfare for her pets, \$900, and the telephone call, \$132.26.

reimbursed for the cost of the rental car for the return trip because she did not provide a cost comparison between the cost of the rental car and airfare.

Ms. Peters subsequently filed her claim with the Board in which she sought reimbursement in the amount of \$4221.74. In her claim, she represented the following:

When I arrived in Europe, I was told that I should file the voucher close to a year after I arrived so that I could include ALL expenses incurred while setting up my household, registering my vehicle and legally bringing my animals in Germany. I was also told that I should submit for “any and all charges” because the regulations are not very clear, and then the deciding officials in the states could decide what qualified for reimbursement. I did this and my supervisor told me she would not sign the voucher, and I had to remove everything except for one charge, the cost of flying my pets on the airline.

The agency filed its report regarding Ms. Peters’ claim. In her response to the agency report, Ms. Peter only addressed two new issues without any further discussion of her MEA claim. First, Ms. Peters stated that she had received a “[b]ill from US Government for over payment of travel expenses in the amount of \$1700 with no explanation of how this decision was reached or how this amount was determined, nor when the over payment was made or for what expenses it was being paid.” Additionally, she asked that the Board “request this bill from the [USACE] for more information, since I have none.” Second, Ms. Peters represented that some of her household goods (HHG) had been damaged, and she included a list of claimed items that had not been settled.

### Discussion

At issue in this matter is whether the USACE properly determined which expenses in Ms. Peters’ MEA claim were reimbursable. The Federal Travel Regulation (FTR), which applies to Ms. Peters, provides that the MEA “is intended to help defray some of the costs incurred due to relocating.” 41 CFR 302-16.1 (2014) (FTR 302-16.1). An employee who transfers with family members is allowed reimbursement for his or her MEA without supporting documentation in the amount of “\$1300 or the equivalent of two weeks’ basic gross pay, whichever is the lesser amount.” *Id.* 302-16.102(b). When an employee’s MEA claim exceeds that amount, the amount of such expenses must be documented. *Id.* 302-16.104. The Joint Travel Regulations (JTR), which also apply to Ms. Peters, provide that “[m]iscellaneous expenses are the various costs associated with PCS that are not covered by other PCS allowances in [the] JTR.” JTR 5818-E. Examples of such expenses related to a transfer include “disconnecting/connecting appliances and utilities.” *Id.* 5814-A.

### Fees for Passports

Ms. Peters claims the fees for passports for two of her dependents. The JTR provides that the fees for a dependent's passport are a reimbursable miscellaneous expense in connection with an employee's permanent change of station. JTR 2830-G. It is well established that such reimbursement is allowed when an employee or dependent needs a passport or visa in order to embark on official travel. *See Bruce Brouillard*, GSBCA 15291-RELO, 00-2 BCA ¶ 31,056, at 153,350; *Tracy L. Huckaby*, B-225992 (July 13, 1987); *William T. Kemp*, B-223186 (Feb. 27, 1987). Ms. Peters has acknowledged that both of her dependents already had passports at the time of their departure, but because those passports were due to expire in one year, she obtained new passports and paid additional fees for the expedited processing. Nothing in the record, however, indicates that obtaining new passports on an expedited basis was necessary to enable Ms. Peters' dependents to travel with her to Germany. Consequently, her claim for those fees is denied.

### Expenses related to pets

Ms. Peters claims that she incurred pet-related expenses that included health inspections, USDA certification, crates, and tags. The FTR provides for the reimbursement of those "costs . . . normally associated with the transportation and handling of dogs, cats, and other house pets, as well as costs due to stringent air carrier rules." FTR 302-16.2(b). "Inoculations, examinations, and boarding quarantine costs are excluded." *Id.* The JTR allows for reimbursement of the expense for the quarantine of pets as part of an employee's MEA claim. JTR 5766. Pet quarantine expenses, however, do not include "medicine/medical care, grooming, and similar fees for services that are a part of routine pet care." *Id.* 5818-E.7. Additionally, reimbursement is not authorized for the "[n]on-transportation and handling pet related expenses (e.g., boarding fees, inoculations, country entry fees, and examination costs which are necessary to bring a pet to the new PDS)." *Id.* 5768-E.4.

In *David J. Mitchell*, GSBCA 16827-RELO, 06-1 BCA ¶ 33,278, the General Services Board of Contract Appeals (GSBCA), which previously decided relocation cases, denied an MEA claim for pet-related expenses that included "blood tests, insertion of an identification microchip, an export certificate, '[United Kingdom (UK)] pet scheme' costs charged by the airline to comply with UK guidelines, a health certificate, ground transportation to the new residence, express mailing of the export certificate, and a pet shipping container." *Id.* at 164,998. Ruling that such expenses were not reimbursable, the GSBCA noted that although such expenses were "certainly necessary . . . to bring a pet along to a new duty station in the UK, these costs are by regulation to be borne by the transferee." *Id.* Ms. Peters is claiming expenses similar to those that were claimed in the *Mitchell* case, and

the Board reaches the same result as in that case. Accordingly, Ms. Peters is not entitled to reimbursement for the claimed veterinary expenses, USDA certification fee, and purchases of crates and tags for her pets.

Additionally, Ms. Peters claimed the expense of keeping pets at two different hotel locations during her move. Reimbursement for quarantine expenses does not include “lodging expenses incurred for the employee’s pet (e.g., a second hotel room.” JTR 5768-E.2. The following is well established:

Pets, no matter how beloved, are not considered members of an employee’s immediate family. 41 CFR 302-1.4(f); 2 JTR app. A. When an employee incurs costs for housing pets while he is traveling on official business, those costs are not reimbursable. *Michael J. Washenko*, B-219094 (Dec. 5, 1985) (kennel expenses at permanent duty station); *John A. Maxim, Jr.*, B-212032 (July 6, 1983) (same); *Major General Joseph T. Palastra, Jr.*, B-205577 (May 18, 1982) (expenses of housing pets traveling with officer). . . . Under the JTR, pet care expenses may not be reimbursed as miscellaneous expenses related to any form of official travel. JTR C4709-A.10. Nor may pets be considered “household goods” for the purpose of claiming temporary storage expenses, for live animals are expressly excluded from the regulatory definition of such goods. 41 CFR 302-1.4(j)(ii); 2 JTR app. A; *Transportation-Household Goods-Live Animals*, 65 Comp. Gen. 122 (1985); *Ramon V. Romero*, B-190330 (Feb. 23, 1978).

*Felicia H. Peterschmidt*, GSBICA 15843-RELO, 02-2 BCA ¶ 31,988, at 158,090. Although Ms. Peters contends that her pets were simply extra “occupants” in hotel rooms during transit, the applicable travel regulations do not allow for reimbursement of her expense for keeping pets in a hotel room.

#### Purchase of Suitcases

Ms. Peters also claims the expense of suitcases in connection with her relocation. The FTR prohibits reimbursement for the “[c]osts of newly acquired items, such as the purchase or installation cost of new rugs or draperies.” FTR 302-16.203(d). Similarly, the JTR does not allow reimbursement for “[c]osts of purchasing clothing, appliances . . . and equipment due to relocation . . . and . . . [c]osts of newly purchased items, such as rugs or drapes.” JTR 5818-F.21, -F.22. Additionally, the JTR prohibits reimbursement of “[c]osts incurred for reasons of personal taste or preference and not required because of the move.” *Id.* 5818-F.4. While neither the FTR nor JTR mention suitcases specifically, the general prohibition against the purchase of new items during relocation would apply in this

case. Ms. Peters' purchase of new suitcases was, at best, a matter of personal preference and, for that reason, not reimbursable. The USACE properly denied reimbursement for that purchase.

#### Claimant's Telephone Call

Ms. Peters' claims that she incurred the cost of \$132.26 for a telephone call to her new supervisor in Germany without realizing that she would be charged for it. The JTR, however, provides that reimbursement for the cost of mission-related telephone calls is not allowed because "[Government] owned/leased services should be used for official communications." JTR 2830-G. Consequently, Ms. Peters is not entitled to reimbursement for the telephone call even if it was for official government business. Although it is unfortunate that Ms. Peters may have been unaware that she was incurring such an expense, the Board "has no authority to reimburse an employee for an expense contrary to statute or regulation." *Delbert C. Steorts, II*, CBCA 2468-RELO, 12-1 BCA ¶ 34,890, at 171,590 (2011) (citing *Michael Vincelli*, CBCA 1828-RELO, 10-1 BCA ¶ 34,461, at 170,020).

#### Expenses Related to POV Shipment

Ms. Peters has claimed several expenses in connection with shipping her POV overseas that include a rental car for the return trip, lodging for one night, detailing, and draining the fuel tank. Statute provides for the shipment at government expense of an employee's POV when that employee transfers "to, from, and between the continental United States and a post of duty outside the continental United States." 5 U.S.C. § 5727(b) (2012). The applicable regulations for reimbursement of expenses related to the shipping of a POV are found at part 302-9 of the FTR and chapter 5, part B, section 6 of the JTR. The FTR provides, in pertinent part, that an MEA claim cannot be used to reimburse "[c]osts reimbursed under other provisions of law or regulations." FTR 302-16.202(c). Additionally, the JTR denies reimbursement for "[c]osts that are not allowed in JTR" or "[c]osts reimbursed under other provisions of law or JTR." JTR 5818-F.2., -F.3. Accordingly, the Board reviews Ms. Peters' claim with regard to shipping her POV in accordance with the applicable regulations and not as an MEA claim.

Ms. Peters claims the cost of a rental car after dropping her POV off at the VPC for shipment overseas. The FTR provides for reimbursement of an employee's transportation cost "from the port of embarkation back to [his or her] authorized origin after delivering the POV." FTR 302-9.104. The FTR, however, also provides that an agency must determine that the use of a rental car for official travel while on temporary duty is advantageous to the Government. *Id.* 301-10.450(a). That rule also applies to PCS travel. *Id.* 302-4.100. The JTR defines a rental car as a special conveyance. JTR 3320-A.1. A special conveyance

“[m]ay be used for PCS travel when other transportation modes are not to the [Government’s] advantage” and “[m]ust be authorized in a PCS travel order.” *Id.* 3320-H.1.a, -H.1.b. There is no evidence that the USACE ever determined that Ms. Peters’ use of a rental car was to the advantage of the Government and that her PCS orders authorized a rental car. Consequently, Ms. Peters is not entitled to reimbursement for her rental car expense.

Additionally, Ms. Peters claimed the expense of a hotel stay after dropping off her POV. The FTR states that an employee “may not be reimbursed a per diem allowance for round-trip travel to and from the port involved.” FTR 302-9.104. The JTR also states that reimbursement of per diem is not allowed in connection with driving a POV to the VPC for shipment. JTR 5726-B.1. Per diem includes lodging and other expenses incurred by an employee while on official travel. FTR 301-11.1, -11.5. Ms. Peters has represented that the hotel stay was “needed” after dropping off her POV for shipment overseas, but regardless of her reason for such a necessity, reimbursement of per diem is not allowed. *See Patrick L. Keller*, CBCA 5151-RELO, 16-1 BCA ¶ 36,384, at 177,361 (claimant’s health concerns and driving distance); *Mark E. Bradley*, CBCA 4759-TRAV, 15-1 BCA ¶ 36,088, at 176,193 (mileage between claimant’s home and VPC).

The Board does not find any merit in Ms. Peters’ claim for expenses related to preparing her POV for shipment overseas, which included detailing and emptying the gas tank. Neither the FTR nor JTR provide for reimbursement of expenses related to preparing a POV for shipment. Those claimed expenses, consequently, are not reimbursable.

#### Government Claim for Overpayment

In her response to the agency report, Ms. Peters requested that the Board seek “more information” from the USACE regarding an alleged overpayment to her of \$1700, but the Board has no authority to make such an inquiry under the circumstances of this matter. The following is well established:

The Board’s authority to resolve claims of federal civilian employees for certain travel and relocation claims derives from chapter 57 of title 5 of the United States Code. Chapter 3702 of title 31 vests the authority to resolve these claims in the Administrator of General Services, who has delegated that function to the [Civilian Board of Contract Appeals (CBCA)]. The CBCA has authority to review . . . claims of reimbursement for expenses incurred in connection with relocation to a new duty station. 48 CFR pt. 6104 (2013). Before we can review any claim for entitlement to . . . relocation expenses, the



claim must first be filed at claimant's own department or agency. 48 CFR 6104.410(c).

*Jaime J. Bestard*, CBCA 3925-RELO, 14-1 BCA ¶ 35,690, at 174,686. The Board's authority, however, does not include "straightening out the morass of bureaucracy." *Id.* Consequently, the Board cannot send inquiries to the USACE regarding any actual or perceived action to collect an overpayment from Ms. Peters when no such claim is before the Board.

#### Claim for HHG Damage

Finally, Ms. Peters has also submitted documents concerning her claim for property damage as a result of her relocation. This Board has recognized the following:

Claims for loss or damage to a government employee's personal property incident to a transfer of assignment, for example, are resolved under the Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. § 3721, and that statute vests settlement authority for such claims in the head of the agency involved, not this Board.

*Joseph J. Moyer*, CBCA 3888-RELO, 14-1 BCA ¶ 35,697, at 174,774. Although Ms. Peters may have encountered difficulty with her property damage claim, the Board has no authority to address the merits of her claim or render a decision, and she will need to pursue her claim through the proper personnel within her agency.

#### Decision

The claim is denied.

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H. CHUCK KULLBERG  
Board Judge