



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 4, 2019

CBCA 6419-RELO

In the Matter of MARK W. EBERHART

Mark W. Eberhart, Patrick Air Force Base, FL, Claimant.

Alice J. Hood, Transportation Division Chief, United States Army Corps of Engineers, Logistics Activity, Millington, TN, counsel for Department of the Army.

VERGILIO, Board Judge.

A civilian employee, authorized to receive temporary quarters subsistence expense (TQSE) reimbursement on an actual expense basis for relocation, seeks to have his election converted from the actual expense, to the lump sum, method, claiming that an error occurred. He has not shown an error or entitlement to correct the alleged error. The agency reasonably determined that the authorization reflects the request of the claimant, and, because the claimant had begun relocation before seeking a change, that change would be inappropriate. The claimant is not entitled to alter the basis for reimbursement.

Mark W. Eberhart, claimant, relocated within the continental United States, with a report date of December 31, 2018. Consistent with the request of the claimant, his travel authorization identifies reimbursements to include temporary quarter subsistence expense (TQSE) on an actual expense basis, not on a lump basis. After incurring expenses on a house hunting trip, the claimant inquired of the agency regarding the basis of TQSE reimbursement, eventually asking that the agency change the basis to fixed sum because of an error. The agency declined, finding no error and noting that the claimant already had incurred expenses related to the relocation such that a change was not appropriate.

The claimant has not demonstrated that an error occurred. The claimant's request and subsequent authorization are plain on their face. The evidence demonstrates that the claimant

elected the actual expense basis, as is reflected on the travel authorization. Despite what may have been the claimant's intent to elect a lump sum reimbursement, the record demonstrates no error in the authorization. The claimant posed many reimbursement-related questions to the agency prior to beginning to incur expenses; no evidence convincingly demonstrates or even suggests that the claimant intended to elect other than actual expenses.

The Joint Travel Regulations (JTR) specify that once a civilian employee chooses a basis for reimbursement, the selection may not be changed if the travel order has been executed, unless an exception is warranted based on clerical error. JTR 54201. At the time of claimant's inquiry to alter the basis of payment, the travel order had been executed, and the claimant had completed a house hunting trip. No clerical error has been demonstrated.

The claimant has not established a viable reason to revisit the agency's determination that it will not alter the travel authorization, with the result that reimbursement is on an actual expense basis.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge