



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 28, 2008

CBCA 1160-RELO

In the Matter of EMILY G. GIBSON

Emily G. Gibson, Chantilly, VA, Claimant.

Cheryl Holman, Chief, PCS Travel Team, Department of Veterans Affairs, Austin, TX, appearing for Department of Veterans Affairs.

McCANN, Board Judge.

Claimant is an employee of the Department of Veteran Affairs. She has requested that this Board review the agency's denial of reimbursement for certain expenses she incurred when she traveled on temporary duty (TDY) orders after she had accepted a permanent change of station (PCS) to the same area as the TDY.

Factual Background

Emily Gibson had been traveling periodically between Atlanta, Georgia, and Washington, D.C., to perform TDY on a detailed assignment. As usual, she applied for TDY orders from Atlanta to Washington. However, before the time came for her to travel to Washington, she accepted a permanent change of duty station to Washington. She notified her superiors, who informed her that she should utilize the TDY benefits and that any discrepancies would be handled at a later date. Her TDY trip was from April 29 to May 3, 2007. Her PCS report date was April 29, 2007. Thus, her so-called TDY travel started on the date that she started at her new duty station.

On July 16, 2007, Ms. Gibson was issued a bill of collection in the amount of \$1497.24 for the so-called TDY that was performed.¹ She applied to the agency's Committee on Waivers & Compromises for relief and was denied.

Discussion

The Federal Travel Regulation (FTR) allows for an employee to receive reimbursement for expenses when: "(a) You perform official travel away from your official station, or other areas defined by your agency. . . ." 41 CFR 301-11.1 (2006).

In the current situation Ms. Gibson did not travel "away from her official station." She had already been transferred to her new duty station. Accordingly, she is entitled to no TDY expenses under the regulations. Ms. Gibson does not seem to dispute this. Her argument appears to be that even though she is entitled to no reimbursement under the regulations, she should be paid TDY expenses because her supervisors told her to travel on TDY orders.

Ms. Gibson's argument fails. It is well established that incorrect advice provided by government officials cannot create or enlarge entitlements that are not provided by statute or regulation. *See, e.g., Joseph E. Copple*, GSBCA 16849-RELO, 06-2 BCA ¶ 33,332, at 165,290 (citing *Federal Crop Insurance Corp. v. Merrill*, 322 U.S. 380, 384-85 (1947)).

Ms Gibson has not contested the amount that she received for her relocation expenses. Therefore, we do not comment on her entitlement to those expenses.

Decision

The claim is denied.

R. ANTHONY McCANN
Board Judge

¹ Ms Gibson has not contested the collection amount, and the record does not specify which travel expenses this amount disallows. She did receive reimbursement for her PCS expenses.