



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 24, 2008

CBCA 998-RELO

In the Matter of RICARDO HERRERA

Ricardo Herrera, Alexandria, VA, Claimant.

Debra J. Murray, Chief, Travel Section, U.S. Customs and Border Protection, Indianapolis, IN, appearing for Department of Homeland Security.

PARKER, Board Judge.

Ricardo Herrera has asked the Board to review the decision of the Department of Homeland Security, U.S. Customs and Border Protection, denying his claim for reimbursement of househunting trip expenses. As discussed below, we hold that the agency properly denied the claim.

Background

In connection with his transfer from March Air Force Base, California, to Washington, D.C., Mr. Herrera was authorized to take a househunting trip. He also was authorized to receive a lump-sum reimbursement of temporary quarters subsistence expenses (TQSE) in the amount of \$15,225.

Mr. Herrera did not take a househunting trip prior to relocating in Washington, D.C. His household goods were shipped to Washington in July 2007, and later that month Mr. Herrera, his wife, and his five children flew to Washington and checked into temporary quarters at a local hotel.

On August 1, without checking out of the hotel, Mr. Herrera and his wife flew from Washington, D.C., back to Los Angeles, California, and then immediately returned to Washington D.C., arriving at 6:20 a.m. the following day. Mr. Herrera and his wife made

this puzzling journey because Mr. Herrera believed that this would allow him to claim the ten days following the trip as a househunting trip and receive reimbursement for additional days in the hotel, as well as the cost of the airfare, per diem, rental car, and other expenses. When Mr. Herrera claimed \$5859.61 for a househunting trip (in addition to the lump-sum TQSE), the agency denied the claim.

Discussion

According to the Federal Travel Regulation (FTR), a househunting trip is “a trip made by the employee and/or spouse to your new official station locality to find permanent living quarters.” 41 CFR 302-5.1 (2007). The trip

is intended to facilitate and expedite the employee’s move from your old official station to your new official station and to lower the Government’s overall cost for the employee’s relocation by reducing the amount of time an employee must occupy temporary quarters.

Id. 302-5.2. Househunting trips are to be taken “in advance of travel,” *id.* 302-5.6, and must be completed by “the day before you report to your new Official station.” *Id.* 302-5.12.

Based upon the above regulations, it is clear that Mr. Herrera and his spouse did not take a reimbursable househunting trip. At the time of the couple’s round-trip flight to Los Angeles and back to Washington, D.C., the Herrera family had already relocated to Washington. As the General Services Administration Board of Contract Appeals, our predecessor in deciding federal civilian employee travel and relocation claims, explained:

Claimant, however, did not take an advance househunting trip; instead he completed his en-route travel with his spouse and arrived at his new duty station. The fact that claimant spent a period of time in temporary quarters engaged in househunting activities does not make his stay in temporary quarters a househunting trip reimbursable under the FTR.

Perry F. Gayaldo, GSBCA 16339-RELO, 04-1 BCA ¶ 32,578, at 161,194. Mr. Herrera chose to perform his relocation travel and begin his stay in temporary quarters without first taking the househunting trip he was authorized to take. His attempt to use that entitlement by taking a totally unnecessary and wasteful round-trip flight back to his old duty station solely for the purpose of receiving additional reimbursement violated both the spirit and the

letter of the regulations. Mr. Herrera's claim for reimbursement was properly denied by the agency.

ROBERT W. PARKER
Board Judge