



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 15, 2012

CBCA 2236-RELO

In the Matter of WALFREDO C. MUGOL

Walfredo C. Mugol, APO Area Pacific, Claimant.

David W. Hopkins, Assistant Counsel, Joint Region Marianas, Department of the Navy, FPO Area Pacific, appearing for Department of the Navy.

DANIELS, Board Judge (Chairman).

Walfredo C. Mugol seeks thirty days of fixed amount temporary quarters subsistence expenses (TQSE) in conjunction with his transfer from Kunsan Air Base, Korea, to Andersen Air Force Base, Guam, in March 2010. The Department of the Navy, which administers the program in which he is employed in Guam, correctly denied the claim.

Mr. Mugol's original travel orders provided for the TQSE he seeks.¹ An amendment to the orders which was issued nearly a month before he moved deleted the authorization of this benefit, however. Although Mr. Mugol may not have been given a copy of the amended orders until months later, he was notified of the change by electronic mail messages from agency personnel at the time the change was made. TQSE is a benefit which is granted at

¹ An employee is eligible to receive TQSE only if he is transferred to a new duty station which is "located within the United States." 41 CFR 302-6.4 (2009). As used in this and other provisions in the Federal Travel Regulation, the term "United States" includes "Non-Foreign Areas," one of which is Guam. *Id.* 300-3.1. Thus, Mr. Mugol was eligible to receive TQSE even though his new duty station was not located in what is commonly considered to be the United States.

the discretion of the administering agency. 5 U.S.C. § 5724a(b)(1)(B) (2006). The Navy acted permissibly in ultimately choosing not to provide it to Mr. Mugol.

Even if the authorization had not been deleted from the travel orders, Mr. Mugol's claim could not succeed. TQSE may be provided only to employees for whom "it is necessary to occupy temporary quarters" consequent to a transfer of duty station. 41 CFR 302-6.3. The agency has given us reason to believe that this employee did not occupy temporary quarters either upon leaving Korea or upon his arrival in Guam, and the employee has not made any effort to persuade us that the basis for the agency's belief is inaccurate.

STEPHEN M. DANIELS
Board Judge