



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 15, 2020

CBCA 6925-RELO

In the Matter of CANDIDA A.

Candida A., Claimant.

LaToya C. Isaac, Counsel, National Geospatial-Intelligence Agency, Springfield, VA, appearing for Department of Defense.

SHERIDAN, Board Judge.

Claimant attended a training outside of her permanent duty station (PDS) and upon returning was reimbursed by the National Geospatial-Intelligence Agency for the shipment of household goods (HHG) and a total per diem rate for temporary duty (TDY). The reimbursement of both the shipment of HHG and total per diem TDY resulted in an overpayment to claimant as only one of the two is allowed to be reimbursed under the Joint Travel Regulations (JTR). Upon realizing the overpayment, the agency sent claimant a debt notification letter seeking \$6317.28 pertaining to the shipment of HHG. Claimant subsequently filed this request asking the Board to waive the debt.

Background

Claimant was selected for full-time training at the Defense Language Institute in Monterey, California which began on July 12, 2018, and ended on November 14, 2019. On May 23, 2018, claimant was issued a travel order authorizing an allowance for the shipment of HHG but did not provide for a per diem allowance. Sometime following the issuance of the first travel order, a new approving official (AO) was appointed to the team that authorizes educational assignments for employees.

On August 7, 2018, the new AO contacted the Defense Civilian Personnel Advisory Service (DCPAS) to inquire about the proper allowances to provide for long-term TDY. DCPAS informed the new AO that per JTR 032602, an employee attending training outside of their PDS is entitled to standard travel and transportation allowances or dependent travel and the shipment of HHG but not both. After acquiring this information from DCPAS, the new AO made the decision to authorize a per diem TDY allowance for claimant's travel, as that would allow claimant the most reimbursement. Claimant was promptly notified of this change.

Upon completing her training, claimant was issued travel orders covering the return to her PDS that provided an allowance for the shipment of HHG. Once claimant was back at her PDS, she provided receipts and other information required to close out her final voucher for per diem per TDY reimbursement. Claimant was subsequently improperly reimbursed for both her per diem TDY and the shipment of HHG. The agency became aware of this error and on July 16, 2020, sent claimant a debt notification letter seeking reimbursement of \$6317.28 for HHG transportation to and from the training location. Claimant then filed this request that the debt be waived.

Discussion

According to JTR 032602, which covers training outside the PDS area, a "civilian employee may receive the standard travel and transportation allowances in Chapter 2 or authorized dependent (no per diem) and household transportation allowances." Table 3-13 found in JTR 032602 makes it clear that an agency can either pay a total per diem for TDY or pay for HHG shipping but not both. Here, claimant received payments for both per diem TDY and the shipment of HHG, meaning one of the two payments was erroneously made. When extra payments are erroneously made to an employee, that employee is not entitled to those payments and has an obligation to repay them. *Eric B. Fort*, GSBICA 16302-TRAV, 04-1 BCA ¶ 32,541 (2003).

Claimant asks that we waive her obligation to repay the amount she was overpaid because the debt arose out of an error on the part of the agency and repaying the debt would place a financial burden on her. We do not have authority to waive a debt. *Gwannette M. Claybrook*, CBCA 6594-RELO, 20-1 BCA ¶ 37,554; *Anthony W. Reed*, CBCA 6197-RELO, 19-1 BCA ¶ 37,230 (2018). Only the head of the agency from which the debt arose has the authority to waive a debt to the agency. *Id.* Thus, we "consistently dismiss [] requests that we waive debts, arising out of erroneous payment of travel or relocation expenses, which are owed by employees to their agencies." *Vernon E. Stewart*, CBCA 5987-TRAV, 18-1 BCA ¶ 37,000; *see, e.g., Sydney C. Kaus*, CBCA 3744-RELO, 14-1 BCA ¶ 35,731; *RuthAnne S. Darling*, CBCA 1461-TRAV, 09-2 BCA ¶ 34,153.

Decision

The claim is denied.

Patricia J. Sheridan

PATRICIA J. SHERIDAN

Board Judge