

**BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD**

In the Matter Between

  
Grievant

and

Department of State

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Record of Proceedings  
FSGB No. 2011-029

March 9, 2012

**DECISION**  
**EXCISION**

For the Foreign Service Grievance Board:

Presiding Member:

Susan R. Winfield

Board Members:

James E. Blanford  
Nancy M. Serpa

Special Assistant

Jill Perry

Representative for the Grievant:

*Pro se*

Representative for the Department:

Melinda Chandler, HR/G  
Director, Grievance Staff

Employee Exclusive Representative:

American Foreign Service Association

## CASE SUMMARY

**HELD:** Grievant is entitled to be reimbursed for the cost of yellow fever vaccinations that he and his family members were required to receive before they traveled to his onward assignment. Grievant's claim for reimbursement of excess baggage fees paid during travel is denied because of insufficient proof that grievant properly changed his Home Leave address in the Department's computer records.

## OVERVIEW

Grievant, an FS-02 Foreign Service Construction Engineer, alleged that the Department refused to reimburse him for the cost of getting yellow fever vaccinations for himself, his wife and his child, while he was assigned in [REDACTED] before his travel to an onward assignment in [REDACTED]. Grievant claimed that his losing post in [REDACTED] did not have the yellow fever vaccine in stock and, therefore, advised him to get the shots at a local [REDACTED] medical clinic. Grievant and his family went to the clinic, got the vaccinations, paid for them and submitted a request for reimbursement. Grievant was advised before he left [REDACTED] that he should include the cost of the vaccinations on his travel voucher after arriving in [REDACTED]. Once in [REDACTED] however, grievant's request for reimbursement was denied by each office to which he submitted the claim. His post management officer declined to reimburse grievant from petty cash; HR declined to reimburse grievant because he had not secured pre-authorization on his travel orders for the shots; and the Regional Medical Office declined to reimburse grievant because it concluded that the cost should be included on the travel voucher. When grievant was advised to seek a modification of his travel orders, HR declined to amend them.

Grievant also claimed that he should be reimbursed for a baggage fee that he paid to travel from his Home Leave address in [REDACTED] to Washington D.C. in advance of his travel to [REDACTED]. Grievant claimed that before he traveled, he had changed his Home Leave address on the Department's website from [REDACTED] to [REDACTED] using the proper form OF-126. No such form could be located in the agency's data bank. Thus, grievant's Home Leave address remained unchanged. Because his Home Leave address was listed as [REDACTED] at the time, no air travel to Washington was deemed authorized, and therefore, the baggage fee was not reimbursed. Grievant was unable to produce the original OF-126 or a copy to establish that he properly changed his Home Leave address.

The Board concluded that although the Department agreed to reimburse grievant for the vaccinations, each office claimed that another office was responsible for payment. Under the FAM provisions at the time in question, the cost of the inoculations could arguably have been considered either a travel expense or a medical expense. The Board ordered the Department to reimburse grievant for the cost of the yellow fever shots from whatever budget it deemed appropriate. The Board denied grievant's claim for reimbursement of baggage fees for insufficient evidence.

## DECISION

### I. THE GRIEVANCE

In this case, [REDACTED] (grievant) seeks reimbursement from his agency for fees he was charged by a private clinic to obtain yellow fever vaccinations for himself and his family. The vaccine was not in stock at the Health Unit of his losing post in [REDACTED], but was a prerequisite for his travel to his receiving post in [REDACTED]. Grievant also seeks reimbursement for baggage fees he was charged during his travel to his new assignment, allegedly because of an error in the agency's documentation of his Home Leave address.

### II. BACKGROUND

[REDACTED], an FS-02 Foreign Service Construction Engineer with the Department of State (Department, agency), filed a grievance on December 14, 2010, requesting reimbursement from the agency of \$515.95 for his out-of-pocket costs for yellow fever vaccinations (\$405.95) and excess baggage charges (\$110.00) he paid as part of his transfer from [REDACTED] to [REDACTED].

In February 2010, the Department sent the grievant travel orders reassigning him from [REDACTED] to [REDACTED]. The [REDACTED] Health Unit (HU) informed him that he and his family would need yellow fever vaccinations in order to enter [REDACTED]. Since the HU did not stock that vaccine, someone at the unit advised grievant to get the vaccinations at a particular local clinic. Grievant asserts that the HU initially told him to pay for the shots and then submit the invoice to the HU for reimbursement, but that later he was told that he should claim the expenses on his Permanent Change of Station (PCS) voucher after arriving in [REDACTED].<sup>1</sup>

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<sup>1</sup> In an email dated June 19, 2011, a nurse at the HU, [REDACTED], recollected: "Health Unit [REDACTED] did advise that [grievant's] family get [their] Yellow Fever vaccinations at the [REDACTED] Travel Clinic as the Health Unit does not administer Yellow Fever vaccine. The Yellow Fever vaccine was required for [REDACTED] (per Travax.) After talking with HR [Human Resources], the Health Unit also advised [grievant] to put the cost for the vaccine on [his] travel voucher."

Grievant and his family went to the clinic recommended by the HU, received yellow fever shots and were charged 250 [REDACTED] in total. Grievant paid for the shots and then inquired about reimbursement from the Department. In an email to [REDACTED], an HU nurse, on March 17, 2010, grievant's wife wrote:

My son and I went to [REDACTED] for a [sic] shots and we had to pay 125 [REDACTED] each . . . which ended up to 250 [REDACTED] for both of us!<sup>2</sup> I was really shocked and I kept saying I just need a yellow fever shot! Anyway, can we reimburse this because I thought it was cheaper than that. Thanks. [REDACTED]

On March 24, 2010, [REDACTED] replied:

I spoke with [REDACTED] as well about the reimbursement last week and needed to get back to you both. [REDACTED] went back to our Regional Medical Manager to check on the procedure for vaccination reimbursement for arrival to a new post and it should go on [REDACTED] travel voucher. So please keep all your receipts to submit them later. Thanks also for the information on the prices.

According to this advice, grievant expected to be reimbursed for his vaccinations once he arrived at his next post. Grievant then flew to [REDACTED] from [REDACTED], the closest airport to his Home Leave address in [REDACTED] through [REDACTED]. Grievant claims that he had earlier changed his Home Leave address on the Department's website from [REDACTED] to [REDACTED]. His effort to change his Home Leave address failed to effect a change in the Department's records. Grievant paid \$110.00 for carrying a second bag from [REDACTED] to [REDACTED]. Because the Department records continued to list grievant's Home Leave Address as [REDACTED] he was not authorized to travel from [REDACTED] to [REDACTED] and the claim for reimbursement of the baggage fee was denied.

Grievant arrived in [REDACTED] on June 1, 2010. He submitted his travel voucher on June 7. [REDACTED], Chief of the Post Support Unit (PSU) at the Bureau of Resource Management, Global Financial Services (RM/GFS) Bangkok, reviewed the voucher and questioned, "if [the

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<sup>2</sup> At the time, the total fee grievant paid for all of the vaccinations converted to USD \$405.95.

Yellow Fever immunization] requires an amendment to the PCS orders or is this an expense that MED<sup>3</sup> can provide a fund cite for?” Grievant replied,

██████████, I was advised by the Medical Office at my last post to get these immunizations on the local economy (██████████). We submitted a voucher for this right away in early March after getting the shots, but were told that this was a PCS expense and would need to be submitted with my PCS voucher.

On July 10, 2010, PSU Voucher Examiner, ██████████, notified grievant that the \$405.95 claim for his immunizations was denied as “they were not included in your PCS travel authorization.” ██████████ also denied grievant’s claim for \$110.00 in excess baggage fees, stating, “air tickets were not authorized for your travel from home leave point ██████████ to Washington, DC for [c]onsultations, consequently, [b]aggage costs associated with the air travel were not authorized.”

On August 18, grievant’s Management Counselor in ██████████ ██████████, queried A/OPR/ALS<sup>4</sup>

Yellow fever vaccinations are required for assignment to ██████████. Most of our incoming employees are able to obtain these vaccinations at health units overseas or in Washington; sometimes, however, the employee cannot because a State health clinic is not available at his/her location, or because the vaccinations are not available at his/her location, (yellow fever vaccine is perishable and expensive, so it is often not stocked.)

We have a case of an incoming employee who paid out of pocket for these required vaccinations for himself and his family (cost @ \$450[sic]). His claim for reimbursement on his PCS travel voucher was denied by FSC Bangkok, which stated that “State/MED should reimburse” the cost of the vaccinations. I don’t think that is accurate or workable – there’s no allowance for State/MED to perform such a reimbursement.

My question is: what is the proper allowance for reimbursement of this required relocation expense? Is it appropriate for reimbursement through the Foreign Transfer Allowance?

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<sup>3</sup> Office of Medical Services.

<sup>4</sup> Office of Allowances in the Bureau of Administration.

Allowances and Differentials Specialist, [REDACTED], of A/OPR/ALS

forwarded the [REDACTED] email to MED Claims, stating:

Please see the attached email inquiry from [REDACTED] ref employee requesting reimbursement for yellow fever vaccinations for himself and his family at \$450.00.

Reimbursements are not typically an issue that would fall under provision of the Miscellaneous portion of the FSTA.<sup>5</sup> Therefore, are you able to review this query which FSC Bangkok advised should be addressed by State Medical Services and provide a response to [REDACTED].

On August 19, [REDACTED] of MED's Office of Medical Claims, replied: "the Office of Medical Claims does not reimburse vaccination charges. We instead advise patients to include them on their travel vouchers." [REDACTED] in turn answered [REDACTED]

I am following up with you regarding reimbursement for required vaccinations. [REDACTED] of Medical Claims stated below that **"their office advises their patients to include them (vaccinations) on their travel voucher."** I believe that the vaccination fees can be submitted as a "Miscellaneous Expenditure" with explanation that the expense was for "yellow fever vaccination fees." This issue is outside of the jurisdiction of the Office of Allowances and is not an allowable expenditure under provision of the FSTA. . . . (Emphasis in original).

Grievant's Management Counselor, [REDACTED] then went back to Bangkok PSU<sup>6</sup> with the following:

Please see this exchange below with the Office of Allowances and MED Claims. This relates to the case of [REDACTED]. [REDACTED] incurred expenses for yellow fever vaccinations for himself and his family on his PCS to Embassy [REDACTED]. These vaccinations are required for assignment to [REDACTED]. However, [REDACTED] claim for the expense of these required vaccinations was denied as part of his PSC travel claim by FMC Bangkok, with the comment that MED should reimburse them. MED and the Office of Allowance have reviewed this, and is of the view that these costs should in fact be reimbursed via [REDACTED] travel

<sup>5</sup> Foreign Service Transfer Allowance

<sup>6</sup> [REDACTED] August 20, 2010 email was mistakenly sent to Bangkok FMC rather than Bangkok FSC, but was redirected by FMC.

claim, as a miscellaneous expense. This seems correct to me. Could we please have guidance from FMC Bangkok? We do need to find the correct way to reimburse the costs of the required vaccinations. Can [REDACTED] claims be reviewed?

[REDACTED] of RM/GFS/Bangkok replied on August 21:

. . . HR/EX will not authorize immunizations connected with the medical clearance assignment to post. There is no category for miscellaneous expenses authorized on PCS Travel orders. I cannot reimburse what is not authorized.

The published DOS policy states that if authorized, MED will cover immunizations from a private service provider. [REDACTED] did not seek authorization in advance.

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I believe MED should authorize reimbursement. . . . all other medical clearance expenses for medical services that cannot be provided in the official DOS Medical Unit are covered by MED, . . . . Are immunizations different? Why assign one part of the medical clearance process, immunizations, to the travel voucher? It's not a travel related expense. It's a medical expense that only MED can determine is reasonable or not.

Grievant's management counselor, [REDACTED] responded on August 23:

[REDACTED] thanks for helping us reach a resolution. All that matters is that the correct path for reimbursement is identified – thus far, MED is of the view that the costs should be reimbursed through the travel claim. I understand your own advice, and don't argue the point. We'd just like to see the correct means of reimbursement identified so we can get this resolved in this case and future cases. The vaccinations were certainly required prior to arrival at post.

[REDACTED] answered on August 24:

I agree the objective is to identify the correct method of reimbursement. It's unfortunate [REDACTED] is caught in the middle of the debate. However, the good news is we can have a formal decision soon.

On August 27, [REDACTED] reported:

The debate has gone back and forth. Bottom line for now is vaccinations/immunizations must be authorized in advance on your PCS orders. To claim reimbursement on his travel voucher, [REDACTED]. [REDACTED] must amend his PCS travel authorization. [REDACTED]

should seek an amendment to his orders . . . . See 14 FAM 562.1 a (5); *Inoculations that cannot be obtained without cost through a Federal dispensary (reimbursement must be authorized in advance of travel on the travel authorization)* . . .

In response to this suggestion, grievant emailed [REDACTED], his technician in HR/EX, on September 14, 2010 in an effort to have his travel orders amended to include the cost of the vaccinations. ([REDACTED] replies are in bold font.)

[REDACTED], greetings from [REDACTED] I have had several small problems with my orders after I completed by PCS and I was wondering if you could help.

. . . Do you know how I would go about getting my orders amended to include these charges?

. . . **Please contact MED at [telephone number] to assist you with this matter. HR/EX doesn't handle this matter.**

Second, my orders were based on an outdated OF-126 showing an old home leave address in [REDACTED] (it is now [REDACTED] At first this wasn't a problem as we cost-constructed our flight arrangements but later on we were denied about \$110 in extra baggage fees for our [REDACTED] to [REDACTED] leg of our travel. **When you file your voucher please claim the extra baggage. HR/EX doesn't put this on the travel orders.**

On October 13, [REDACTED] approached OBO<sup>7</sup> with the following email:

[REDACTED] – sorry for bumping this issue up to your level. [REDACTED], assigned to OBO/[REDACTED] was required to obtain yellow fever vaccinations prior to PCSing to [REDACTED]. He was not located in a place where he could obtain the vaccinations from a State MED facility, but the Government of [REDACTED] would not allow his family entrance without them. He paid out-of-pocket for the vaccinations and applied for reimbursement on his PCS voucher (processed by FSC Bangkok). After long debate, with MED (which refused as policy to reimburse) and FSC Charleston (which refused as policy to reimburse unless the vaccinations are specifically authorized on his PCS orders), we received the advice highlighted below. Could OBO/EX kindly work with HR/EX to issue an amendment to [REDACTED] PCS orders so FSC Charleston will honor the request for reimbursement? There is no question but that this is a required

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<sup>7</sup> Bureau of Overseas Buildings Operations, the office for which [REDACTED] worked.

expense for [REDACTED] PCS to [REDACTED] and the amount is not trivial -- @ \$450.

[REDACTED], Director of OBO's Office of Financial Management replied:

I'm okay with reimbursing these costs, but we don't initiate PCS orders. [REDACTED] (or his management here in OBO Construction Management) needs to contact his assignment officer in HR to amend his PCS order through HR/EX. Then HR/EX will send us the amendment and we will increase the TO in the system for payment.

[REDACTED] then passed a message to [REDACTED], the OBO assignments officer in HR:

I'm contacting you in hopes of obtaining an amendment to the travel authorization of [REDACTED], assigned by OBO to [REDACTED]. We've been trying to obtain the authorization to reimburse [REDACTED] for costs for required yellow fever vaccinations for him and his family. FSC Bangkok refused the reimbursement and has advised that his orders must be amended to allow the reimbursement. Please see the comments of [REDACTED], OBO's Financial Management Director below. Can you assist? I'm sorry, but cannot access the travel authorization.

[REDACTED] replied on October 13:

I walked down the hall to talk to [REDACTED] about this to ensure that you receive the correct answer. Vaccination expenses are never included in Travel Authorizations, so there's nothing to amend in the orders. [REDACTED] suggested that MED might be approached about a reimbursement, but inclusion on the Travel Voucher for reimbursement is a non-starter. It might be worth inquiring with MED if they would cover this cost. You could go through your Health Unit folks. I hope it works out!

On October 14, [REDACTED] included [REDACTED] on his final message:

[REDACTED] thanks for checking. If you note below in the exchange, MED stated that the costs are not reimbursable as a MED expense, and suggested that the costs should be covered through the travel voucher. FSC Bangkok will only cover the costs if authorized on the travel authorization. If we can't get an amended TA with the vaccination costs authorized, we're stuck.

██████ I can at this point only suggest a grievance action. I think we've run every trap that can be run, and that seems to be the only remaining avenue for remedy.

Following ██████ advice, on December 14, 2010, grievant filed his agency-level grievance, claiming reimbursement for his vaccination expenses and excess baggage fee. He submitted the email chain provided above in support of his vaccination reimbursement claim. Grievant also argued that his 2010 travel orders were published with an outdated ██████ Home Leave address. In support of this claim, he attached an Employee Personal Information Summary that had last been changed on November 5, 2008, before he incurred the baggage fee, showing an ██████ Home Leave address.

On May 8, 2011, the Department denied the grievance, claiming that, "a review of your grievance attachments does not support your representation that you were asked to go to a private clinic for the vaccinations." Grievant filed an appeal of this decision on June 30, 2011 claiming that the agency committed procedural errors when it failed to reimburse him for his expenses. In addition, grievant filed a supplementary appeal on August 26, 2011 in which he provided a computer screen shot of his on-line GEMS<sup>8</sup> that showed the most recent change to his Home Leave address was in November 2008 when he attempted to change his Home Leave address to ██████. He argued that when he consulted GEMS prior to moving from ██████ to ██████ he saw that his Home Leave address was in ██████ thus, he made his travel plans accordingly. The Department filed its response to the supplemental statement on September 8, 2011 arguing that grievant has no evidence that he was promised reimbursement before he procured the vaccinations and that he failed to properly change his Home Leave address on the agency's computer system. Grievant filed a rebuttal on September 19, 2011 in which he maintained that even if there is no proof that he was offered reimbursement before he and his

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<sup>8</sup> Global Employment Management System

family got their shots, several bureaus offered him reimbursement after the fact. He argues that no one suggested that he get authorization for the shots or that the family wait to get their shots before they were authorized.

### **III. POSITIONS OF THE PARTIES**

#### **GRIEVANT**

Grievant argues that as he was preparing to leave [REDACTED] he was directed by the [REDACTED] health unit to obtain these vaccinations. “We had no knowledge beforehand that we required these shots, we had no way of knowing where to get these shots, and we did not want these shots.” He explains that the [REDACTED] health unit sent him and his family to a private clinic and promised to reimburse them for the expenses. He contends that the HR Grievance Analyst assigned in this case suggested that he try to obtain reimbursement from petty cash. He claims that his Management Counselor, [REDACTED] would not authorize payment from petty cash because that would leave unanswered which Bureau is responsible for such payments and would put future travelers at risk of encountering the same predicament. In response to the agency’s argument that his vaccinations were unauthorized commitments, grievant claims that he was not given an opportunity to ratify the unauthorized commitment, under 14 FAM 215.<sup>9</sup>

In his supplemental submission, filed on August 26, 2011, grievant asserts that he did not keep a hard copy of the document (2008 OF-126) he completed to change his Home Leave address from [REDACTED] to [REDACTED]. He did, however, submit a copy of an on-line screen shot of his record in GEMS that shows that the most recent change in his address occurred in November 2008. Grievant argues that he consulted GEMS before he moved from [REDACTED] to [REDACTED] and

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<sup>9</sup> 14 FAM 215 provides: “An unauthorized commitment occurs when a contractual agreement is made that is not binding on the U.S. Government solely because the U.S. Government representative who made the agreement lacked the requisite authority to do so. Acquisition agreements generally may be made only by warranted contracting officers acting within the limits of their warrants or acting upon specific Office of the Procurement Executive (A/OPE) authorization.”

found that his Home Leave address was recorded as being in [REDACTED]. He therefore made his plans accordingly.

### **THE DEPARTMENT**

The Department concedes that grievant was referred to a clinic in [REDACTED] to receive yellow fever shots.<sup>10</sup> However, it contends there is no evidence that anyone promised to reimburse him for these vaccinations. The agency claims that it was only after grievant's wife and son received their shots and learned their cost that grievant's wife sent an email to the HU in [REDACTED] and engaged in "frantic" efforts to obtain a refund. The agency further contends that grievant has not provided any documentary evidence that the Medical Office in [REDACTED] offered to reimburse him for the vaccinations. It argues that because grievant did not obtain a preauthorization for the cost of the vaccines, as required under 14 FAM 562.1a (5), he cannot obligate the government to reimburse the expense. The agency claims that the cost of the vaccinations in this case was an unauthorized commitment on grievant's part for which he is not entitled to be reimbursed.

As for grievant's claim that he is entitled to a refund of the baggage fees, the agency argues that grievant failed to show that there was any error on its part. The Department contends that a review of grievant's eOPF<sup>11</sup> shows that there was no documentary submission by grievant between the time he changed his Home Leave address to [REDACTED] on January 29, 2007 and his travel to [REDACTED]. The agency contends that in November 2008, when grievant attempted to change his Home Leave address back to [REDACTED] he modified only his Employee Personal Information Summary, but not the required Employee Self-Service OF-126 form. Since grievant

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<sup>10</sup> The agency states in its response to grievant's supplemental statement: "The record supports the grievant's assertion that the [REDACTED] Medical Office told the grievant and his family to go to a private clinic for the vaccinations as they were not administered by the [REDACTED] Health Unit."

<sup>11</sup> Electronic Official Personnel Folder

did not comply with instructions on how to change the OF-126 page, there was no change in his eOPF.

#### **IV. DISCUSSION AND FINDINGS**

In all grievances other than those concerning disciplinary actions, the grievant has the burden of establishing, by a preponderance of the evidence, that the grievance is meritorious. 22 CFR 905.1(a). This case involves a claim that grievant should be reimbursed \$515.95 for his out-of-pocket costs for yellow fever vaccinations and excess baggage charges he paid as part of his transfer from [REDACTED] to [REDACTED].<sup>12</sup> For the reasons stated below, the Board finds that grievant has sustained his grievance in part.

##### **A. Yellow Fever Vaccinations**

There is no dispute in the ROP that grievant and his family required yellow fever vaccinations for his assignment to [REDACTED]. The State Department Bureau of Consular Affairs informs travelers that a current yellow fever vaccination is mandatory to enter [REDACTED]. There is also no dispute that the [REDACTED] HU soundly advised grievant to get his inoculations at a local private clinic, since the HU did not stock the vaccine. As grievant's post Management Counselor in [REDACTED] observed, yellow fever vaccine is perishable and expensive.

There is also no dispute that the Department ordinarily provides yellow fever vaccinations to its employees or reimburses them for private vaccinations. This obligation

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<sup>12</sup> By Executive Secretary memorandum dated October 26, 2011, this Board inquired of the parties whether it would be appropriate or desirable for grievant to present his claims to the Exceptions Committee, pursuant to 14 FAM 514. The Department responded that it considered it not only appropriate for grievant to do so, but that this was a prerequisite to filing the instant grievance. Grievant, responded that neither of his claims are technically travel expenses and, therefore, that the Exceptions Committee does not have authority over his reimbursement claims. He argues that the vaccinations are medical rather than travel expenses and that his baggage fee is likewise not a travel expense since reimbursement is conditioned on the issue of his home leave address. Grievant also argues that he does not want to lose the time already spent prosecuting this grievance. The Board concludes that grievant is not required to present his claims to the Exceptions Committee as a prerequisite to bringing the instant grievance in part because it is unclear from the FAM provisions in effect at the relevant time whether the cost for inoculations should have been claimed as a travel expense or a medical expense. We further recognize grievant's concern that he not be forced to start from the beginning with the Exceptions Committee on issues that have been fully developed in this grievance. Accordingly, the Board has decided that this matter need not be remanded to the parties for presentation to the Exceptions Committee.

appears repeatedly in federal statutes and regulations. Section 904 of the Foreign Service Act of 1980 directs the Secretary of State to establish a health care program and specifies: “(b) Any such health care program may include . . . (2) medical examinations and inoculations or vaccinations, . . .” 22 U.S. Code § 4084(b)(2). In addition, 16 FAM 511 states:

- a. Direct medical expenses are medical program expenses associated with a particular employee or eligible family member that are chargeable to the employing agency responsible for the employee or eligible family member. Such expenses include, but are not limited to:

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(3) Examination and immunization expenses when such examinations and immunizations are required by the medical program and provided by private entities.

4 FAM 445.4-1 also provides:

Direct medical expenses incurred on behalf of Department of State personnel (U.S. employees or EFMs) are chargeable to the applicable appropriation . . . and a specific obligation number (e.g., hospitalization and related expenses such as examinations, immunizations, and medical travel.)

4 FAM 445.3 further explains that “[a]uthorized medical services . . . typically include immunizations, . . .”

The Foreign Service Assignment Notebook<sup>13</sup> provides:

Required and recommended immunizations for overseas travel can be obtained at the health units listed below. Be sure to allow time for spacing the immunizations, as a complete initial immunization series may require about five weeks.

When necessary, because of geographic considerations, adults residing more than 50 miles away may obtain immunizations from private providers. If authorized, the Department of State will reimburse the full cost of recommended immunizations performed by private providers for adults and children. *Note: These payments are made only for immunizations recommended for overseas*

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<sup>13</sup> The Foreign Service Assignment Notebook is a publication of the Overseas Briefing Center (part of the Foreign Service Institute). According to the State Department website: “This 222-page resource offers invaluable information and guidance on all aspects of preparing for an international move. Available to ALL employees and family members transitioning to an overseas assignment.” See, Chapter 5 Medical Information and Issues.

*service, such as yellow fever, and NOT for routine immunizations, such as polio.*

The federal mandate to pay for employees' inoculations in connection with transfers is well-settled. In GSBCA 15435-RELO (April 9, 2001), the Civilian Board of Contract Appeals directed the Department of Defense to reimburse an employee for immunizations for his family received at a private clinic. The Board held:

DoD should reimburse Mr. Carter for the cost of the immunizations that his dependents were required to receive in order to obtain their visas. The Federal Travel Regulation (FTR), which applies to all civilian federal government employees, provides that the reimbursable travel expenses of the dependent of a transferred employee include “[c]harges for inoculations that cannot be obtained through a Federal dispensary.” 41 CFR 301-12.1, 302-2.2(a) (2000). The JTR [Joint Travel Regulations], which apply to civilian employees of DoD, list the fees and charges that are reimbursable travel expenses of dependents when an employee is transferred either to or from a permanent duty station overseas. The list includes “charges for inoculations which cannot be obtained through a Federal dispensary. . . .” (citations omitted). DoD does not dispute Mr. Carter’s contention that he paid for immunizations for his dependents because he could not obtain those immunizations at a Government medical facility. According to the regulations, therefore, DoD should reimburse Mr. Carter for the cost of the immunizations.

During the entire time that grievant was attempting to secure reimbursement for the cost of his yellow fever vaccination, 14 FAM 562.1a (5). provided:

- (a) The following travel expenses, when actually incurred and necessary, can be itemized and reimbursed over and above the per diem allowance for lodging and meals and incidental expenses (M&IE): . . . (5) Inoculations that cannot be obtained without cost through a Federal dispensary (reimbursement must be authorized in advance of travel on the travel authorization).

This provision allows for reimbursement for yellow fever inoculations that could not be obtained without cost through a Federal dispensary, so long as they were authorized in advance on the travel authorization. The parties agree there was no Federal dispensary in [REDACTED] that could

dispense yellow fever vaccinations. Although the Department originally claimed in its agency-level decision that “[the] grievance attachments do not support [grievant’s] representation that [he was] asked to go to a private clinic for vaccinations,” the agency now acknowledges that the [REDACTED] HU did advise grievant to obtain his vaccinations from the private [REDACTED]. As noted above, that advice was consistent with the CDC advice to obtain vaccinations well in advance of travel. The agency has not suggested that grievant should have received his vaccinations elsewhere.

The parties further agree that grievant did not have the pre-authorization contained in his Travel Authorization as required by 14 FAM 562.1a(5). Although grievant was assigned to a country ([REDACTED] where yellow fever was endemic, his travel orders did not contain an authorization for yellow fever vaccinations. The only medical reference in the orders was:

In accordance with 16 FAM 220, it is each employee’s responsibility to “ensure that he or she and eligible family members obtain a valid medical clearance or waiver.” Failure to obtain a valid clearance or waiver for yourself and all EFMs accompanying you prior to traveling to your overseas duty station will result in your having a significant financial obligation to the Department of State.

Grievant was not responsible for drafting his travel orders. However, once he got them, he sought counsel from the HU, which advised him to get yellow fever vaccinations at [REDACTED]. [REDACTED] After grievant and his family did as suggested and requested reimbursement for the cost of the shots, the HU advised him “to put the cost for the vaccine on [his] travel voucher.” The Department does not dispute grievant’s assertion that:

We were sent offsite for medical care and vaccinations from the [REDACTED] Medical unit prior to this incident without any difficulty in receiving reimbursement through normal Med office means. We had no reason to believe that these shots would be any different. (Emphasis added).

Ordinarily, we would hold grievant responsible for knowing the requirements of all applicable FAM provisions, including 14 FAM 562.1a(5). However, we find that a reasonable employee could not have understood on these facts that there was a requirement to secure pre-authorization before getting the shots in order to be reimbursed for the cost of the vaccinations. We reach this conclusion based on a number of factors: (1) that grievant was referred to the clinic in [REDACTED] by his health unit; (2) the shots were necessitated by his onward assignment; and (3) grievant claims that he has in the past been reimbursed for medical services he received without first having to secure a pre-authorization on his travel orders. We also note that numerous professionally knowledgeable offices – the [REDACTED] HU, RM/GFS, HR, the Regional Medical Office (MED), and OBO – advised grievant differently on how to secure reimbursement for these inoculations. Each office acknowledged that grievant was entitled to reimbursement. The only issue was from what source of funds. We conclude that the applicable regulations and practice caused considerable confusion for both grievant and all of the offices that tried to assist him.

To add to the confusion, grievant points out that some time after he made the instant request for reimbursement, MED published a new advisory that seems aimed at preventing future similar occurrences.<sup>14</sup> The Board notes that the MED website contains the caution, "Therefore, please be very careful when advising someone to get their vaccinations at non-USG facilities, because if they don't have advance authorization (which must come from their HR technician) they will not be reimbursed."

The ROP contains no explanation as to why grievant's travel orders did not authorize the vaccinations he needed to proceed to post. There is no explanation as to why the offices

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<sup>14</sup> Grievant cites: <http://med.m.state.sbu/clinicalservices/travelimmunizations/default.aspx>.

involved did not advise grievant consistently regarding reimbursement for those vaccinations.

Most puzzling are the contradictory positions taken by MED and HR. MED stated:

- After talking with HR, the Health Unit also advised [grievant] to put the cost for the vaccine on [his] travel voucher.
- The Office of Medical Claims does not reimburse vaccination charges. We instead advise patients to include them on their travel vouchers.
- Please be very careful when advising someone to get their vaccinations at non-USG facilities, because if they don't have advance authorization (which must come from their HR technician) they will not be reimbursed.

HR however, stated:

- [Grievant:] I was directed by my losing posts' Med office to get these vaccinations and was told to expense it to my PCS travel. Later I learned that I was not expressly authorized for vaccinations.) [HR response] **Please contact MED at 703-875-5411 to assist you with this matter. HR/EX doesn't handle this matter.**
- HR/EX will not authorize immunizations connected with the medical clearance assignment to post. There is no category for miscellaneous expenses authorized on PCS Travel orders.
- I walked down the hall to talk to [REDACTED] about this to ensure that you receive the correct answer. *Vaccination expenses are never included in Travel Authorizations*, so there's nothing to amend in the orders. [REDACTED] suggested that *MED might be approached about a reimbursement, but inclusion on the Travel Voucher for reimbursement is a non-starter.* (Emphasis added).

As grievant observes, none of the offices involved expressed a doubt that he should be reimbursed. His Management Counselor [REDACTED] declared: “[w]e’d just like to see the correct means of reimbursement identified so we can get this resolved in this case and future cases.”

Because of the regulatory confusion, [REDACTED] declined to authorize petty cash for reimbursement because he believed this would leave unanswered the question of which Bureau was responsible. Grievant’s supervisory office in Washington, OBO, was willing to pay for the vaccinations, but HR refused to amend grievant’s travel orders to permit the payment because, “[v]accination expenses are never included in Travel Authorizations.”

We note that the agency has not attempted to resolve the stark differences between the HR and MED positions. In addition, we note that on January 18<sup>th</sup> of this year, the FAM provision on which the agency principally relies was amended to read:

14 FAM 562.1

- (a) The following travel expenses, when actually incurred and necessary, can be itemized and reimbursed over and above the per diem allowance for lodging and meals and incidental expenses (M&IE): . . . (5) Inoculations that cannot be obtained *for free* through a Federal dispensary (reimbursement must be authorized on the travel authorization *before travel begins*). *For yellow fever inoculations, there is no requirement for prior authorization for reimbursement.* . . . (Emphasis in original).

Thus, currently no prior authorization is required for reimbursement for yellow fever vaccinations.

We conclude that various offices within the agency have repeatedly agreed that grievant is entitled to be reimbursed the cost of the yellow fever vaccinations for himself and his family. Indeed, every unit that looked into the issue determined that grievant is entitled to be reimbursed. The only question has been from which pocket the money should come. Under 14 FAM 562, the inoculations are deemed to be travel expenses. However, under 4 FAM 445.3, 4 FAM 445.4-1 and 16 FAM 511, they are considered medical expenses. The Bureau of Resource Management agreed that these vaccination costs were reimbursable, but only if they were pre-authorized on grievant's travel orders. HR insists that inoculation expenses are never payable on a travel voucher (presumably regardless whether pre-authorized or not), but may be payable as a medical expense. MED insists that vaccinations must be paid on a travel voucher as a travel expense. OBO agreed to reimburse the expenses, but only if grievant's travel orders were amended. HR, however, declined to amend the orders on the ground that these were medical expenses. We

deem this morass to be an internal policy quandary that the agency is responsible for resolving.<sup>15</sup>

In the meanwhile, grievant must be reimbursed.

### **B. Excess Baggage Fees**

Grievant claims that in November 2008, he submitted a form (OF-126) to change his Home Leave address from [REDACTED] to [REDACTED]. He further claims that the change of address is reflected in on-line computer records called "HR Online/GEMS." He contends that his travel orders were erroneously issued with his [REDACTED] address as his Home Leave address. Grievant concedes that he realized the error before he left [REDACTED] for [REDACTED] but maintains he could not reach his HR technician prior to traveling. He claims that because of the error, he was not reimbursed for a bag fee of \$110.00 on a flight from [REDACTED] to [REDACTED].

The agency says that grievant failed to file the correct form in November 2008. There is therefore no record of grievant's attempt to change his Home Leave address. The agency contends that the only document that grievant can produce in support of his claim is a computer screen shot that reveals that he updated his Personal Information Summary (PIS) page; but he did not submit a form OF-126. The agency contends that an update to the PIS page will not convert into an OF-126. Indeed, the agency notes that there are instructions on the PIS page that state:

Please use the Employee Self Service OF-126 page to update your Home Leave Address, Separation Address, Legal Address, Dependents, Marital Status, and Primary Emergency Contact.

The Department argues that had grievant submitted an OF-126, the change in his Home Leave address would have been accomplished.

The Board concludes that grievant has not met his burden of proving that he submitted the proper form to effect the change in his Home Leave address that would have prevented him

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<sup>15</sup> We are satisfied that this grievance does not present a claim of unauthorized commitment under 14 FAM 215 because there is no evidence that a contractual agreement was made to reimburse the expenses. Accordingly, we do not address the parties' respective arguments on this issue.

from being charged the excess baggage fee. Without either a copy of the submitted OF-126 or some other proof, other than his bald assertion, his claim must fail.

### **III. DECISION**

The grievance is granted in part and denied in part.

The Department of State shall reimburse grievant for the cost of the yellow fever inoculations received by grievant and his family in the total amount of \$405.95.

Grievant's claim for reimbursement for excess baggage fees in the amount of \$110.00 is denied.

#### **For the Foreign Service Grievance Board:**



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Susan R. Winfield  
Presiding Member

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James E. Blanford  
Member

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Nancy M. Serpa  
Member