



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 6, 2023

CBCA 7739-RELO

In the Matter of JONATHAN M.

Jonathan M., Claimant.

Larry S. Ray, Civilian Personnel Officer, Overseas Allowances Section, 86th Airlift Wing Force Support Squadron, Department of the Air Force, APO Area Europe, appearing for Department of the Air Force.

CHADWICK, Board Judge.

The claimant, a civilian defense employee, sought review of the agency's refusal to release him from a transportation agreement that he signed in 2020 upon transferring to an overseas post. The agreement provides that the claimant is entitled to travel and relocation expenses to return to a domestic position after serving thirty-six months, which is until July 2023, at the foreign duty station. The claimant found a position in the continental United States with a civilian agency starting in May 2023. The agency denied his request to be released from the agreement early and, as a result, has said it will not reimburse him for the transfer to the new duty station.

The agency determined that the claimant failed to "show acceptable justification/documentation" under Joint Travel Regulations (JTR) 054912, Acceptable Reasons for Release from a Tour of Duty (Mar. 2023). When such a determination results in a denial (or an agency claim for recoupment) of incurred relocation expenses, this Board's "inquiry . . . is limited to whether [the agency] properly exercised its discretion" under the regulation. *Kristina Klein*, CBCA 1152-RELO, 08-2 BCA ¶ 33,966, at 168,030.

We recently ruled, however, that our authority under 31 U.S.C. § 3702 (2018) to resolve "claims . . . for certain travel or relocation expenses" does not extend to disputes

about transportation agreements when the “claimant is not making a claim for reimbursement of expenses.” *Kevin B.*, CBCA 7740-RELO, slip op. at 1-2 (May 23, 2023). This is such a case. The record does not indicate that the claimant submitted a claim for relocation expenses to the agency for it to “initially adjudicate.” Board Rule 401(c) (48 CFR 6104.401(c) (2021)). Without an initial agency decision on reimbursement, we have nothing to review.

Decision

The claim is dismissed.

Kyle Chadwick

KYLE CHADWICK

Board Judge