



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 23, 2023

CBCA 7740-RELO

In the Matter of KEVIN B.

Kevin B., Claimant.

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

GOODMAN, Board Judge.

Claimant is a civilian employee of the Department of Defense (DoD) stationed outside the continental United States (OCONUS). Because of personal hardship claimant has experienced since his wife passed away at his OCONUS permanent duty station (PDS) in 2020, he requested a three-month early release of his thirty-six month travel agreement (TA), effective June 2023, before the expiration of the TA in September 2023.

Claimant's command found him a position in CONUS and agreed to his early release from his TA, but the agency has denied his request. Claimant has asked this Board to review the agency's denial. Claimant and the agency have presented positions based upon their interpretations of Joint Travel Regulations (JTR) 054912-A and -B (Sept. 2020), which describes acceptable reasons justifying release from TAs.

As set forth in Board Rule 401 (48 CFR 6104.401 (2021)), the scope of our authority is "resolution of claims by Federal civilian employees for certain travel or relocation expenses" pursuant to 31 U.S.C. § 3702 (2018). This authority applies to claims for reimbursement of expenses incurred while on official temporary duty travel (TDY) and in connection with relocation to a new duty station. As claimant is not making a claim for

reimbursement of expenses, his request for release from his TA is not one of these types of claims. We therefore do not have the authority to review the agency's determination.¹

However, we note that it does not appear that the agency has considered claimant's rights pursuant to JTR 054912-C, which states in relevant part:

Released to Continue Employment. A civilian employee, serving under a service agreement who transfers to another DoD Component or Agency, *must be released from the tour of duty requirement in the civilian employee's current agreement*, unless transferring to another DoD Component within 12 months of reporting to the PDS on a PCS move . . . If the transfer involves PCS allowances to a new PDS, the gaining activity is responsible for all PCS costs. The civilian employee must continue in Government service for at least 12 months after he or she reported at the PDS where departing to satisfy the obligation for costs incurred by the losing activity in moving the civilian employee to that PDS.

(Emphasis added.)

Unlike JTR 054912-A and -B, which state circumstances under which the employee "may be released" from the TA and give the agency discretion to decide if those circumstances are acceptable, this provision quoted above identifies circumstances under which the employee "must be released" from the TA, making the agency's decision mandatory if such circumstances exist. It is unclear whether the agency has considered claimant's rights pursuant to the mandatory requirements of the provision above in light of his circumstances.

Decision

This case is returned to the agency to determine claimant's rights to release from his TA pursuant to JTR 054912-C.

¹ Previously, this Board issued a decision in *Robert Sessions, Jr.*, CBCA 3030-RELO, 13 BCA ¶ 35,247, in which we reviewed an agency determination pursuant to a regulation with identical language in a previous version of the JTR. On further consideration, in situations that do not involve a request for expense reimbursement, we will not review determinations with regard to release from TAs.

Allan H. Goodman
ALLAN H. GOODMAN
Board Judge