



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 23, 2012

CBCA 2793-RELO

In the Matter of RICHARD O. DICKSON

Richard O. Dickson, Gerrardstown, WV, Claimant.

Camille Cooper, Finance Center, U.S. Army Corps of Engineers, Department of the Army, Millington, TN, appearing for Department of the Army.

SOMERS, Board Judge.

The claimant, Richard O. Dickson, moved from Grosse Ile, Michigan, to Winchester, Virginia, as ordered by his employer, the United States Army Corps of Engineers (USACE). Unable to sell his home due to the poor housing market conditions, Mr. Dickson asked for a two-year extension on his residence transaction. After selling his residence four years and four months later, Mr. Dickson applied for real estate reimbursement. The agency denied his claim of \$14,153 as untimely. Mr. Dickson has asked the Board to review the agency's decision.

Background

On March 28, 2007, the USACE transferred Richard Dickson to Winchester, Virginia. The effective transfer date was his reporting date, April 1, 2007. Due to the poor housing market conditions, Mr. Dickson could not sell his residence at his former duty station. Mr. Dickson requested a two-year extension to his original authorization for real estate expenses, which the agency granted on August 26, 2009, stating “[a]mended PCS real estate allowances extended for an additional 2 year period due to the economy and housing slump.”

In July 2011, Mr. Dickson closed on a contract to sell his residence in Michigan. Soon thereafter, he applied for reimbursement of his real estate sale expenses. On March 15, 2012, the agency denied Mr. Dickson's claim, stating that he had filed it past the applicable deadline. Mr. Dickson asked the agency to reconsider the claim, explaining that he understood the two-year extension to start on the date that the extension was granted rather than two years after the effective date of his travel orders, i.e., April 1, 2007. The agency again rejected Mr. Dickson's claim.

Discussion

The Joint Travel Regulations (JTR) and the Federal Travel Regulation (FTR), which are both relevant to this case, required that the settlement date for the sale occur not later than two years after the day the claimant reported for duty at the new official site. 41 CFR 02-11.21 (2007) (FTR 302-11.21); JTR C14000-B. That two-year period could be extended for an additional two years. FTR 302-11.22; JTR C14000-B. For transfers with a reporting date on or after August 1, 2011, reimbursement is permitted only for real estate transactions which occur not later than one year after the employee reports for duty (or not later than two years after the employee reports, if the agency grants an extension). 76 Fed. Reg. 18,326, 18,343 (Apr. 1, 2011). Neither the employee's agency nor this Board has the authority to extend the prescribed maximum four-year period in which a sale must occur. *Jay Kruike*, CBCA 985-RELO, 08-1 BCA ¶ 33,865.

This rule required Mr. Dickson to complete his sale no later than April 1, 2011. He closed on the sale in July 2011, beyond the four-year period permitted for reimbursement.

Mr. Dickson disagrees, and asserts that his two-year extension started on August 26, 2009, the date the extension was granted. Citing to his amended orders, he notes that it states that the extension had been granted "for an additional [two] year period." Although Mr. Dickson may have interpreted the orders as providing additional time, the regulations do not permit extending the period of reimbursement. *Peter J. Grace*, GSBGA 16790-RELO, 06-1 BCA ¶ 33,219, at 164,636. Because the period runs for a maximum of four years, Mr. Dickson cannot recover for any transactions completed after the four-year anniversary of the effective reporting date set forth in his original orders, i.e., April 1, 2011. Accordingly, Mr. Dickson's claim for reimbursement of real estate expenses must be denied.

Decision

The claim is denied.

JERI KAYLENE SOMERS
Board Judge