UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 6, 2011

CBCA 2207-RELO

In the Matter of ELIZABETH M. HARRIS

Elizabeth M. Harris, McCordsville, IN, Claimant.

Judy Hughes, Standards and Compliance, Finance Mission Area, Defense Finance and Accounting Service, Department of Defense, Columbus, OH, appearing for Department of Defense.

McCANN, Board Judge.

Claimant, Elizabeth M. Harris, is an employee of the Defense Finance and Accounting Service. She was transferred from Columbus, Ohio, to Indianapolis, Indiana, pursuant to permanent change of station orders. She sold her house in Ohio because of the transfer. Prior to the sale she obtained an appraisal in order to determine the asking price of the house. In *Elizabeth M. Harris,* CBCA 2207-RELO (Mar. 17, 2011), we found that, under the Federal Travel Regulation (FTR) and the Joint Travel Regulations (JTR), Ms. Harris was not entitled to reimbursement for the appraisal.

Pursuant to Board Rule 407 (48 CFR 6104.407 (2010), Ms. Harris has filed a motion for reconsideration of the Board's decision. Board Rule 407 provides that "[m]ere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration." Here, just as before, Ms. Harris contends that the case law and the regulations allow her to be reimbursed. She claims that in our decision we have made a clear error of law and have not followed legal precedent or the regulations. Ms. Harris has presented no new evidence or arguments in support of her motion.

As we pointed out in our original decision, the FTR and the JTR only allow for reimbursement of an appraisal fee to the seller when such a fee is customarily paid by the seller in the locality where the house is found. Ms. Harris obtained the appraisal for the purpose of establishing the asking price of her house. It is not customary in the locality for a seller to obtain an appraisal fee to determine the asking price for his or her house. Accordingly, such a fee cannot be reimbursed under the FTR and the JTR.

Ms. Harris argues that such a holding is contrary to regulation and prior case law. Such is not the case. In any event, to the extent that any uncertainty or lack of clarity on this point existed previously in the regulations and prior case law it has been removed by the change in the FTR which states: "Provided that they are customarily paid by the seller of a residence at the old official station . . . your agency will pay the following expenses: . . . (b) the customary cost for an appraisal." 41 CFR 302-11.200 (2009). The FTR and the JTR are now very clear on this point. We have already considered Ms. Harris' arguments and have found them wanting.[1]

Decision

Ms. Harris has provided us with no reason to reconsider our decision. Accordingly, her motion for reconsideration is denied.

R. ANTHONY McCANN
Board Judge

[1] Although this opinion may not address each and every point presented by Ms. Harris in her motion, we have considered all of Ms. Harris' arguments before reaching this decision.