



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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July 11, 2008

CBCA 1136-RELO

In the Matter of LINDA A. JOHNSTONE

Linda A. Johnstone, Groveland, CA, Claimant.

Donna Carmical, Director, Budget and Finance, Albuquerque Service Center for Budget and Finance, Forest Service, Department of Agriculture, Albuquerque, NM, appearing for Department of Agriculture.

**DRUMMOND**, Board Judge.

Background

In 2006, Linda A. Johnstone, an employee of the Forest Service, was transferred to Long Barn, California. She purchased a home at her new duty station and incurred, according to the settlement sheet, a real estate broker fee in the amount of \$4375.

The record reveals that while Ms. Johnstone purchased a “sale-by-owner” property at her new duty station, she was represented by PMZ Real Estate and contractually obligated to pay PMZ Real Estate 3% of the purchase price as a broker fee. The agency has denied her claim for reimbursement of the real estate broker fee, and she has asked the Board to review the agency’s decision.

Discussion

The agency’s decision as to this expense is correct. Although claimant has attempted to characterize the PMZ Real Estate fee as equivalent to an attorney fee for services in connection with the purchase of her home, the record reveals that the \$4375 was paid to a real estate broker. As such, claimant cannot recover this amount. The Federal Travel Regulation expressly provides that broker fees or commissions are not reimbursable in connection with

the purchase of a home at the new duty station. 41 CFR 302-11.202(b) (2006). The General Services Board of Contract Appeals, our predecessor in deciding federal civilian employee travel and relocation claims, consistently applied this regulation to preclude reimbursement of real estate broker's fees paid in connection with the purchase of a home. *See Jeffrey L. Troy*, GSBCA 16072-RELO, 03-2 BCA ¶ 32,329; *Sylvia H. Shaner*, GSBCA 16594-RELO, 05-2 BCA ¶ 33,004; *Richard G. Britner*, GSBCA 15542-RELO, 02-1 BCA ¶ 31,774. Consequently, there is no legal basis for allowing Ms. Johnstone reimbursement of the real estate broker fee and this Board cannot apply the law differently to allow payment of an expense that is not authorized.

Decision

Accordingly, the claim is denied.

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JEROME M. DRUMMOND  
Board Judge