



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 10, 2009

CBCA 1464-RELO

In the Matter of STEVEN R. NONEMAN

Steven R. Noneman, Alexandria, VA, Claimant.

Terry Bowie, Deputy Chief Financial Officer, National Aeronautics and Space Administration, Washington, DC, appearing for National Aeronautics and Space Administration.

STERN, Board Judge.

Background

Steven R. Noneman, claimant, asks the Board to settle a claim for reimbursement of house hunting expenses by the National Aeronautics and Space Administration (NASA). Mr. Noneman was employed at the NASA Marshall Space Flight Center in Huntsville, Alabama. He was selected for a position at NASA headquarters in Washington, D.C., and, on March 3, 2008, signed a "Binding Decision Form" for house hunting reimbursement for himself and his wife, choosing the "fixed amount" option. On March 11, 2008, NASA authorized the change of station to Washington, D.C. with an entry on duty date of April 13, 2008. NASA authorized Mr. Noneman and his wife reimbursement for house hunting expenses under the fixed amount method that claimant chose.

Mr. Noneman planned to begin his assignment in Washington, D.C., without his wife, due to commitments that she had with her employer. Mr. Noneman made plans to find temporary housing prior to his entry on duty date. He intended to seek permanent housing after starting work in Washington, D.C.

On March 31, 2008, claimant traveled to NASA headquarters in Washington, D.C., for a two-day temporary duty (TDY) assignment unrelated to the permanent move. During that trip, Mr. Noneman traveled by subway to an apartment he intended to rent while awaiting his wife's arrival after his permanent move to Washington, D.C. Mr. Noneman

completed the arrangements for this apartment during his TDY trip. After he began work in Washington, D.C., Mr. Noneman began to seek permanent housing. Between June 26 and 30, 2008, Mr. Noneman's wife conducted a house hunting trip in the Washington, D.C. area.

On July 2, 2008, Mr. Noneman filed a travel voucher for reimbursement of his house hunting expenses using the "fixed amount" method that he had selected. Mr. Noneman claimed entitlement to 6.25 times the per diem rate. NASA denied part of the claim on the basis that claimant is entitled to be paid only five times the per diem rate. Mr. Noneman appeals that decision.

Decision

NASA claims that Mr. Noneman's TDY trip to Washington, D.C. does not qualify as a house hunting trip since he was paid per diem for this trip on his TDY voucher. NASA does not dispute that Mr. Noneman searched for and procured housing during his TDY assignment. NASA claims that to reimburse Mr. Noneman would violate a statute prohibiting an employee from receiving dual compensation. NASA submits that under the regulations, he can only be reimbursed for his wife's house hunting trip. Mr. Noneman claims that his search for an apartment during his TDY assignment constituted a house hunting trip.

Pursuant to the regulations and NASA's authorization, under the "fixed amount" option, Mr. Noneman is authorized to be reimbursed 6.25 times the locality rate if both he and his wife performed a house hunting trip. If only one of the two conducted a house hunting trip, the reimbursement is limited to five times the per diem rate. 41 CFR 302-5.13 (2008). The regulations define a house hunting trip as "a trip made by the employee and/or spouse to [their] new official station locality to find permanent living quarters to rent or purchase." *Id.* 302-5.1. The purpose of the trip must be to find "a suitable permanent residence." *Id.* 302-5.2. Mr. Noneman's trip was to find temporary, not permanent, housing. The purpose of his wife's trip was to find permanent housing. She conducted a house hunting trip. Mr. Noneman did not.¹ Reimbursement is limited to five times the locality rate. The claim is denied.

JAMES L. STERN
Board Judge

¹ Mr. Noneman's house hunting after he reported for duty in Washington, D.C., does not qualify as a house hunting trip under the regulations. 41 CFR 302-5.12.