



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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December 6, 2010

CBCA 2183-RELO

In the Matter of CONSTANCE HAMPTON

Constance Hampton, Portland, OR, Claimant.

Chris Barned, Supervisor, Travel and Relocation, National Operations Center, Bureau of Land Management, Department of the Interior, Denver, CO, appearing for Department of the Interior.

**BORWICK**, Board Judge.

Constance Hampton, claimant, challenges the determination of the Bureau of Land Management, Department of the Interior (Bureau of Land Management or agency) that she was not entitled to expenses she incurred on a house hunting trip associated with her permanent change of station (PCS). The agency made that determination because claimant's spouse, a federal employee with the Forest Service, Department of Agriculture, was also transferred and claimant was listed on her spouse's authorization as an immediate family member. Accordingly, all of their combined moving expenses were covered by the Forest Service's authorization. The agency's determination correctly applied the provisions of the Federal Travel Regulation (FTR). Consequently, the Board denies the claim.

Background

Claimant and her husband are both Federal employees, claimant being employed by the Bureau of Land Management and her spouse being employed by the Forest Service. Both transferred by PCS from Reno, Nevada, to Portland, Oregon. Claimant was listed as an immediate family member on her spouse's PCS authorization. The PCS authorization for claimant's spouse at line twelve contained a declination of a separate relocation allowance election for claimant. If claimant had not declined a separate relocation authorization, she would have been entitled to all the relocation benefits of any relocating employee under the FTR.

The PCS authorization for claimant's spouse granted a house hunting trip for the spouse, claimant, or both. For reasons not clear in the record, neither claimant nor her spouse took a house hunting trip on the spouse's Forest Service PCS authorization. Instead, claimant secured a separate PCS authorization for the house hunting trip from the Bureau of Land Management. That authorization recognized that claimant was listed as a dependant on her husband's authorization from the Forest Service, and the authorization stated that consequently "no other entitlements will be authorized," save for the house hunting trip.

Claimant took the house hunting trip from March 14 through March 20, 2010, and incurred \$1740.44 of expenses. Of that amount, \$1318.73 was directly billed to the Bureau of Land Management through a government travel card; claimant submitted a voucher for the remaining \$421.71. The Forest Service paid entitlements for the rest of the move.

After an audit, the Bureau of Land Management determined that its separate travel authorization for the house hunting trip was invalid because claimant had been listed as an immediate family member on the spouse's PCS authorization from the Forest Service. The agency denied claimant's request for reimbursement of \$421.71 and stated it would recover the directly-billed \$1318.73 from the claimant. Claimant challenged that determination at this Board.

### Discussion

The relevant FTR provision, in its question and answer format, provides as follows:

When a member of my immediate family who is also an employee and I are transferring to the same official station, may we both receive allowances for relocation?

Yes, if you and an immediate family member(s) are both employees and are transferring to the same official station in the interest of the Government, the allowances under this chapter apply either to;

(a) Each employee separately and the other is not eligible as an immediate family member(s); or

(b) Only one of the employees considered as head of the household and the other is eligible as an immediate family member(s) on the first employee's TA [travel authorization].

41 CFR 302-3.200 (2010). The FTR also provides that a married federally-employed couple must make an election through a signed document as to “which method of authorization you select (separate or one single authorization).” 41 CFR 302-3.204.

Under these provisions, a married federally-employed couple who are both transferring in the interest of the Government may either: (1) choose to transfer on separate authorizations, and receive separate PCS allowances, or (2) choose to travel on one spouse’s authorization with the other spouse receiving PCS allowances as a member of the immediate family. *Ethelyn and Jerrold Hubbard*, CBCA 481-RELO, 07-2 BCA ¶ 33,609. The General Services Board of Contract Appeals, our predecessor board in deciding relocation claims, held that a transferred federally-employed spouse could not claim relocation benefits under a separate travel authorization while receiving benefits as the spouse of the other transferred employee. *James D. Fenwood*, GSBCA 15104-RELO, 00-1 BCA ¶ 30,658 (1999). That is what happened here, since the rest of the move was paid for by the Forest Service under the authorization which designated claimant as the immediate family member. Since claimant was listed as an immediate family member on her spouse’s authorization, claimant was not entitled to a separate authorization for the house hunting trip and thus not entitled to bill or claim expenses under that authorization. In making its determination, the Bureau of Land Management correctly applied the FTR.

Claimant states that she was erroneously advised by the Bureau of Land Management’s relocation officials. Unfortunately, the receipt of erroneous advice from agency officials or the agency’s furnishing of an erroneous authorization can not enlarge claimant’s entitlements under statute and regulation. *Lou Ann McCracken*, CBCA 1505-RELO, 09-2 BCA ¶ 34,194; *Michael V. Lopez*, CBCA 511-RELO, 07-1 BCA ¶ 33,503. The Board must deny the claim. All is not lost for claimant, however. Based upon the present record, we see no reason why claimant’s spouse could not recover her house hunting expenses through his authorization, since house hunting expenses were explicitly authorized by the Forest Service. 41 CFR 302-5.7.

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ANTHONY S. BORWICK  
Board Judge