



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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February 16, 2011

CBCA 2225-RELO

In the Matter of KEVIN THOMPSON

Kevin Thompson, Craig, CO, Claimant.

Melissa J. Dukes, Human Resources Officer, Bureau of Land Management, Department of the Interior, Lakewood, CO, appearing for Department of the Interior.

**SHERIDAN**, Board Judge.

Claimant, Kevin Thompson, a civilian employee of the Department of the Interior (DOI), Bureau of Land Management (BLM), seeks payment of \$2030.13 in moving expenses. DOI correctly applied the provisions of the Federal Travel Regulation (FTR) in limiting claimant's reimbursement of moving expenses.

Background

On February 8, 2010, claimant was offered and accepted a job as a Supervisory Range Technician with the BLM in Craig, Colorado. Prior to his accepting the new position, BLM employed claimant in a permanent career seasonal position on an Interagency Hotshot Crew (IHC) for six or seven months a year. While a permanent career seasonal employee, claimant's official duty station was Craig. While working on the IHC, claimant was stationed in Craig, but it was the nature of the IHC to travel most of the time. At the end of each season, claimant would return to his permanent residence in Highlands Ranch, Colorado, which is 207 miles from Craig.

As part of the job offer, claimant was offered a permanent change of station (PCS) move from Highlands Ranch to Craig, and told that "the cost of moving [him and his] household goods would be done at Government expense." Claimant also signed an employment agreement with BLM agreeing to remain in federal government service for

twelve months, “with the understanding that the cost of travel, transportation, and other allowable expenses including transportation and storage of household goods and personal effects will be paid by the Government.”

BLM issued a travel authorization for the PCS move from Highlands Ranch to Craig. Upon completion of his move, claimant sought the \$2030.13 he incurred in moving expenses. The voucher was approved and submitted to BLM’s National Operations Center (NOC), where it was determined that claimant was not eligible for a PCS move because his official duty station of Craig had not changed.

### Discussion

Federal employees are entitled to relocation benefits when, in the interest of the Government, they are transferred “between official stations located within the United States.” 5 U.S.C. § 5724a(b)(1) (2006). The FTR implements the statute and provides, in pertinent part:

#### **302-1.1 Who is eligible for relocation expense allowances under this chapter?**

You are generally eligible for relocation expense allowances under this chapter if you are:

....

(b) An employee transferring in the interest of the Government from one agency or duty station to another for permanent duty, and your new duty station is at least 50 miles distant from your old duty station (see § 302-2.6 of this chapter).

41 CFR 302-1.1 (2009).<sup>1</sup>

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<sup>1</sup> Regarding this policy, the FTR provides the following exceptions:

#### **302-2.6 May I be reimbursed for relocation expenses if I relocate to a new official station that is less than 50 miles from my old official station?**

Generally no; you may not be reimbursed for relocation expenses if you relocate to a new official station that is less than 50 miles from your old

**302-4.1 What is a permanent change of station (PCS)?**

A permanent change of station (PCS) is an assignment of a new appointee to an official station or the transfer of an employee from one official station to another on a permanent basis.

41 CFR 302-4.1.

For the purpose of determining benefits, the “permanent duty station” is the place where an employee regularly reports for duty. *Jennifer Harris*, GSBCA 16767-RELO, 06-1 BCA ¶ 33,256; *Roger Henry*, GSBCA 16300-RELO, 04-1 BCA ¶ 32,581; *Marko Bourne*, GSBCA 16273-RELO, 04-1 BCA ¶ 32,544 (2003); *Paul Henderson*, GSBCA 15480-RELO, 01-2 BCA ¶ 31,501.

Claimant objects to BLM’s refusal to pay moving expenses, arguing that he worked five months with the human resources department to make sure his paperwork was done correctly and that he never would have hired a moving company if he had not been assured these expenses would be paid by the Government.

Unfortunately, despite the fact that BLM may have told claimant he would be reimbursed his moving expenses, this guidance can not enlarge claimant’s entitlements under statute or regulation. *Lou Ann McCracken*, CBCA 1505-RELO, 09-2 BCA ¶ 34,194; *Michael V. Lopez*, CBCA 511-RELO, 07-1 BCA ¶ 33,503. Claimant’s duty station was Craig before his move and remained Craig after he took the new position. No exceptions to

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official station, unless the head of the agency or designee authorizes an exception. On a case-by-case basis and having considered the following criteria, the head of your agency or designee may authorize the reimbursement of relocation expenses of less than 50 miles when he/she determines that it is in the interest of the Government: and

- (a) The one way commuting pattern between the old and new official station increases by at least 10 miles but no more than 50 miles; or
- (b) There is an increase in the commuting time to the new official station; or
- (c) A financial hardship is imposed due to increased commuting costs.

41 CFR 302-2.6.

the fifty mile rule apply to this matter, and, as such, he is not entitled to the moving expenses he seeks.

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PATRICIA J. SHERIDAN  
Board Judge