



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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July 11, 2011

CBCA 2228-RELO

In the Matter of RAFAEL E. ARROYO

Rafael E. Arroyo, Montgomery Village, MD, Claimant.

Kim Bibbs, Relocation Liaison, Center for Drug Evaluation and Research, Food and Drug Administration, Department of Health and Human Services, Silver Spring, MD, appearing for Department of Health and Human Services.

**SOMERS**, Board Judge.

Background

The Food and Drug Administration, Center for Drug Evaluation and Research, hired Rafael E. Arroyo in January 2009. Since January 2010, Mr. Arroyo has been trying to sell or rent his residence in Puerto Rico, and, in addition, attempting to rent or purchase a residence in Maryland. He now seeks an extension of time in which to receive relocation benefits for accomplishment of these tasks.

As the agency correctly noted, Mr. Arroyo, as a new employee, is not entitled to the benefits he seeks. Benefits available to new appointees are provided in sections 5722 and 5723 of title 5 of the United States Code. Agencies are authorized to reimburse the travel and transportation expenses of a new appointee and his or her immediate family, the transportation and temporary storage expenses of household goods and personal effects, and the cost of shipping a personally owned vehicle from the place of residence at the time of selection to the initial duty station. 5 U.S.C. § 5723 (2006). Agencies are not authorized to provide to new appointees expenses of the sale of residences at their old locations or the purchase of residences at their new duty stations. These benefits are provided only to employees who are transferred in the interest of the Government. 5 U.S.C. § 5742(d).

The claim is denied.

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JERI KAYLENE SOMERS  
Board Judge