



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 10, 2014

CBCA 3826-RELO

In the Matter of GARY WAYNE LITTLEFIELD

Gary Wayne Littlefield, Smithton, IL, Claimant.

Sean P. Lardner, Supervisory Attorney, Department of the Air Force, Joint Base McGuire-Dix-Lakehurst, NJ, appearing for Department of the Air Force.

DRUMMOND, Board Judge.

Gary Wayne Littlefield, a civilian employee with the Department of the Air Force, asks the Board to review his agency's decision not to reimburse him for expenses he incurred from the sale of his home in Nebraska when he moved from his previous duty station in New Jersey to his new duty station in Illinois. Because Mr. Littlefield's Nebraska home was not a residence from which he regularly commuted to and from work on a daily basis, the Board denies his claim.

Mr. Littlefield resided with his in-laws in New Jersey while commuting on a daily basis to his old duty station. On March 11, 2013, Mr. Littlefield was notified that he was selected for a position in Illinois. Mr. Littlefield owned a house in Nebraska that he sold and for which he sought reimbursement for expenses associated with the sale.

On December 24, 2013, the agency denied Mr. Littlefield's claim. The agency denied the claim because the Joint Travel Regulations (JTR) require that an employee commute to and from work on a daily basis from the home for which the employee seeks reimbursement for real estate sale expenses. JTR C5750-B. Similarly, the Federal Travel Regulation (FTR) specifies that expenses from the sale of a residence are reimbursed only if the residence is "at [the employee's] old official station." 41 CFR 302-11.1(a) (2012). Mr. Littlefield appealed to the Board, seeking reimbursement from the agency and an order to "ensure agencies require a face to face or knowledgeable read-ahead briefing material that outlines the specific requirements [of the regulations]."

We have previously explained the rule in situations like this one:

When reimbursement of allowable real estate expenses is authorized for the sale of a home at claimant's former permanent duty station, but the home that is sold is not the location from which claimant regularly commuted to work on a daily basis, claimant is not entitled to reimbursement of real estate expenses [he] incurred as a result of the home sale transaction.

Connie J. Holliday, CBCA 1866-RELO, 10-1 BCA ¶ 34,439, at 169,961.

Myles England, CBCA 1244-RELO, 09-1 BCA ¶ 34,045 (2008), is also directly on point with the facts of this case. There, we denied reimbursement for real estate expenses because the home Mr. England sold was not the home from which he commuted to and from work on a daily basis. Mr. England lived with his brother in Utah, where his old duty station was located, before accepting a new position in New York. Mr. England sold his residence in Idaho, and his agency denied reimbursement for the real estate expenses. We affirmed the agency's decision, agreeing that Mr. England commuted on a daily basis from his brother's home in Utah and therefore could not recover expenses for the sale of his Idaho residence.

We find that Mr. Littlefield is not entitled to reimbursement.

Mr. Littlefield asserts that he was not made aware of the relevant regulations and requests the Board to direct agencies to supply relocating employees with materials explaining the FTR and JTR provisions that apply. The Board is authorized to settle claims by federal civilian employees involving expenses incurred for official travel and transportation, and for relocation expenses incident to transfers of official duty station. 31 U.S.C. § 3702(a)(3) (2012). It is not our function to manage agency travel programs. Moreover, it is well settled that an employee subject to the FTR and JTR is responsible for knowledge of those regulations. See *Jeffrey L. Troy*, GSBCA 16072-RELO, 03-2 BCA ¶ 32,329. An employee's lack of knowledge of the applicable regulations will not justify reimbursement for expenses that are not authorized. *Id.*

JEROME M. DRUMMOND
Board Judge