



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 1, 2014

CBCA 3867-RELO

In the Matter of SALEEM M. MIAN

Saleem M. Mian, Churchville, MD, Claimant.

Eric J. Feustel, Chief, Client Services Division, Department of the Army, Aberdeen Proving Ground, MD, appearing for Department of the Army.

STERN, Board Judge.

Claimant was transferred by the Department of the Army from Monmouth, New Jersey, to Aberdeen, Maryland. In connection with the transfer, claimant purchased a home and was authorized payment of real estate transaction expenses in accordance with statute and regulations. The Army did not pay certain of the expenses incurred by claimant. Claimant requests that the Board authorize payment for these items, as follows:

Loan origination charges. The Army reimbursed claimant \$5400 (one percent of the loan amount) in payment of his loan origination fee. Claimant seeks an additional \$895 for the lender's commitment fee that he was charged. Such a fee is a finance charge and is not reimbursable under the regulations. The Federal Travel Regulation, which is binding in these transactions, provides that reimbursement is not allowed for a fee that is part of the finance charge imposed in a residential transaction. 41 CFR 302-11.202(g) (2012). Our predecessor board in deciding these cases held that a loan commitment fee is a finance charge and is therefore not reimbursable by the agency. *David P. Brockelman*, GSBCA 14604-RELO, 98-2 BCA ¶ 29,971. This Board has also denied reimbursements for such fees. *Hwai-Tai Lam*, CBCA 703-RELO, 07-2 BCA ¶ 33,665. Claimant is not entitled to be paid the additional \$895.

Attorney fees. Claimant seeks \$830 for attorney fees. The Army has, during this proceeding, agreed to pay \$500 of this fee in accordance with evidence of the payment of such an amount to an attorney. No evidence of any additional payment has been submitted, and, therefore, claimant is not entitled to be reimbursed more than \$500.

Appraisal fee. Claimant has submitted evidence that he paid a \$600 appraisal fee. The Army has paid claimant \$450 in accordance with the amount customarily charged for an appraisal in the area of the transaction. The regulation provides that the customary cost for such an expense is the limit that may be properly reimbursed. 41 CFR 302-11.200(b). The burden is on claimant to prove that the \$600 he paid for the appraisal is the customary appraisal fee charged in the Aberdeen area. *Kerry M. Kennedy*, GSBCA 16540-RELO, 05-1 BCA ¶ 32,877. Claimant has presented no such evidence and is not entitled to be reimbursed more than \$450.

Inspection fee. Claimant has requested reimbursement of \$750 for an inspection fee, but has failed to provide documentation as to the nature of this charge. The regulations require appropriate supporting documentation as a condition for reimbursement of any fee. 41 CFR 302-11.200. Since claimant has failed to provide the proper documentation, he is not entitled to be paid this fee.

Title services. Claimant was reimbursed the amount he spent for title services in connection with his construction loan and now seeks payment of \$870 for title services in connection with the purchase of the completed residence. The Army denied payment a second time for the same type of expense. We have stated that an employee may be reimbursed for purchase of land and construction of a home to the same extent as an employee that purchased a complete residence. An employee may be reimbursed only once for each type of expense. *Eric Sandeno*, CBCA 1586-RELO, 09-2 BCA ¶ 34,274. Claimant is not entitled to be paid the \$870 he now seeks.

Decision

The Army shall pay claimant the attorney fee of \$500 in accordance with its agreement. All other additional fees are denied for the reasons set forth above.

JAMES L. STERN
Board Judge

