



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 19, 2015

CBCA 4118-RELO

In the Matter of REXFORD D. BELLEVILLE

Rexford D. Belleville, Tyndall Air Force Base, FL, Claimant.

Jean R. Love, Division Chief, Air Force Compensation and Travel, Department of the Air Force, Washington, DC, appearing for Department of the Air Force.

VERGILIO, Board Judge.

In the underlying decision, *Rexford D. Belleville*, CBCA 4118-RELO, 15-1 BCA ¶ 35,824 (2014), the Board directed the agency to consider the merits of the claimant's request to extend the period for completing the purchase of a residence at the new duty station. The claimant's request for an extension was made more than thirteen months after reporting to the new duty station, but before the agency had issued travel orders that recognized the claimant's entitlement to resident purchase expenses. Moreover, when told within the first year that travel orders would be amended, the claimant was informed incorrectly that there was a two-year period within which to complete transactions. The agency asks the Board to reconsider and reverse the decision.

The Board denies the request for reconsideration. The agency asserts that it is not required to take into account the claimant's detrimental reliance on erroneous information provided by an agency finance office, given that the agency provided correct information on the one-year period prior to the change of station and that the claimant is imputed with knowledge of the time limitations. The agency is incorrect regarding its obligations. That this claimant's request was submitted beyond the thirteen-month period is not sufficient, by itself, to deny a request for an extension. An agency is required to consider surrounding facts and circumstances when exercising discretion to extend or not the one-year period. The misinformation provided by the agency and the lack of correct travel orders influenced the time the claimant made a request for an extension. Given these facts, the agency official was unreasonable and arbitrary in electing not to consider the request for an extension.

In its next determination, the agency official should consider the facts and circumstances (as developed by the claimant and agency and otherwise by the official), and further, (a) if a request for an extension would have been granted had the request been made within the first year or thirteen months of relocation, and (b) why these facts and circumstances support the same or a different result.

JOSEPH A. VERGILIO

Board Judge