



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

November 26, 2018

CBCA 5953-RELO

In the Matter of CANDIDO G. DELROSARIO, III

Candido G. Delrosario, III, Port Hueneme, CA, Claimant.

Sandra Castro Cain, Counsel, Naval Supply Systems Command Fleet Logistics Center, Department of the Navy, FPO Area Europe, appearing for Department of the Navy.

BEARDSLEY, Board Judge.

Claimant, Candido G. Delrosario, III, a civilian employee of the Department of the Navy, seeks reconsideration of our decision in *Candido G. Delrosario, III*, CBCA 5953-RELO, 18-1 BCA ¶ 37,080, in which the Board denied Mr. Delrosario's claim for an extension of temporary household goods (HHG) storage beyond the authorized ninety days. In making its initial decision, the agency determined that there was not a lack of suitable housing that justified an extension of Mr. Delrosario's HHG storage. The Board agreed.

In support of his request for reconsideration, Mr. Delrosario again asserts that the lack of suitable housing in Ventura County justifies an extension of his HHG storage. Mr. Delrosario details the difficulties he has faced in buying a house that would fit his household goods, i.e., no house hunting leave,¹ the high cost of houses, the limited inventory, the several attempts to buy a house that fell through, the seller's market, the two months required to finalize the purchase, the issues with his real estate agent, and having to pay more than the appraised value of the house. Mr. Delrosario fails to prove, however, that there was a limited inventory of houses, higher than expected prices, or a seller's market.

¹ To the extent that Mr. Delrosario asserts that he was wrongly denied leave to travel to California and look for a house, this is a claim beyond the scope of the initial decision and this reconsideration.

Instead, the evidence shows that the difficulty in finding suitable housing was due to personal choices made by Mr. Delrosario. In fact, Mr. Delrosario had found an apartment in which to live while he was looking to buy a house; it was just not big enough for his HHG. An employee relocating takes the risk that he may not find housing that is to his liking, within his price range, or the right size, but the lack of housing that fits one's preferences does not equate to a lack of suitable housing that justifies extension of HHG storage. This is not a case in which suitable housing was not available. *See, e.g., Susan L. Walor*, CBCA 2494-RELO, 12-1 BCA ¶ 34,897 (2011).

Claimant has failed to raise a valid basis for reconsideration. Board Rule 407 provides that “[m]ere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration.” 48 CFR 6104.407 (2017). In the request for reconsideration, Mr. Delrosario only re-argues the point that there was no suitable housing available. Upon further consideration, the Navy again determined that there was suitable housing available and that Mr. Delrosario is not entitled to an extension of HHG storage. The Board finds the Navy's determination is not arbitrary, capricious, or clearly erroneous.

Decision

For the foregoing reasons, the Board denies the request for reconsideration.

Erica S. Beardsley

ERICA S. BEARDSLEY
Board Judge