



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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February 21, 2019

CBCA 5962-RELO

In the Matter of PAUL R. TIPPETT

Paul R. Tippett, Suwanee, GA, Claimant.

Denesha P. James, Assistant Counsel, Office of Inspector General, Department of Homeland Security, Washington, DC, appearing for Department of Homeland Security.

**BEARDSLEY**, Board Judge.

Claimant requests reconsideration of our decision denying his claim for reimbursement of relocation expenses. *Paul R. Tippett*, CBCA 5962-RELO, 18-1 BCA ¶ 37,142. Claimant sought reimbursement for expenses he incurred as a result of his transfer and promotion to the position of assistant special agent in charge (ASAC) in the agency's Atlanta, Georgia field office. The transfer and promotion resulted from a settlement by the parties of a Merit Systems Protection Board (MSPB) case challenging the cancellation of the vacancy announcement for the ASAC position he now holds. The settlement agreement expressly provided that the transfer was not in the interest of the Government and that no relocation costs would be paid in connection with the move.

In seeking reconsideration, claimant maintains that the fact that he was promoted entitles him to relocation expenses. Claimant also contends that the agency acted in an arbitrary manner in advertising the vacancy and takes issue with the Board's finding that he was informally (instead of formally) offered the ASAC position in the Atlanta field office. Claimant's promotion, however, resulted from the settlement of the MSPB case and not the merit promotion program. Accordingly, the principle enunciated in *Cecelia R. Williams*, GSBKA 16953-RELO, 06-2 BCA ¶ 33,436, that "[a] selection and transfer of an employee pursuant to a merit promotion program is generally deemed to be an action taken in the

interest of the Government,” does not apply. The agency’s actions in advertising the vacancy and offering claimant the position, formally or informally, also do not change the Board’s decision because of the subsequent settlement of the MSPB case.

Moreover, these arguments are the same arguments claimant initially made. “Mere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration.” Board Rule 407 (48 CFR 6104.407 (2018)). As such, claimant’s motion for reconsideration is denied.

### Decision

For the foregoing reasons, the Board denies claimant’s request for reconsideration and again denies his claim for reimbursement of relocation expenses.

*Erica S. Beardsley*

ERICA S. BEARDSLEY

Board Judge