



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 3, 2021

CBCA 6959-RELO

In the Matter of TRACY H.

Tracy H., Claimant.

Joseph A. Chambers, Assistant General Counsel, Defense Intelligence Agency, Washington, DC; and Kristen Wainscott, Human Resources Specialist, Office of Human Resources, Defense Intelligence Agency, Washington, DC, appearing for Department of Defense.

GOODMAN, Board Judge.

Background

Claimant is a civilian employee of the Department of Defense. The agency issued a travel order incident to her permanent change of station (PCS) appointment to her current position, establishing a report date of June 24, 2018. Thereafter, her orders were amended several times to include an amendment on June 18, 2018, authorizing her reimbursement for real estate expenses. The initial travel order and each subsequent amendment stated, "PCS ENTITLEMENTS EXPIRE ONE YEAR FROM REPORT DATE AT NEW DUTY LOCATION."

After claimant completed her move, she requested an extension of the one-year time limit to utilize her entitlements authorized under the order. The agency granted her request on July 18, 2019, for an extension of one additional year, to expire June 23, 2020 – two years from her report date. The amended order stated no further extensions would be authorized. After the extension expired, claimant requested an additional extension based on the COVID-19 pandemic frustrating her efforts to find a suitable home to purchase. The agency denied the request on the basis that it had no authority to grant further extensions.

Discussion

Employees who are transferred by an agency in the interest of the Government from one permanent duty station to another are entitled by statute, subject to regulations issued by the Administrator of General Services, to reimbursement from the agency for real estate expenses associated with the selling of the employee's residence at the old duty station and the purchase of a residence at the new duty station. 5 U.S.C. §§ 5724a(d), 5738(a)(1) (2018).

The Federal Travel Regulation (FTR), issued by the Administrator of General Services, sets forth the deadlines for incurring these expenses. 41 CFR 302-11.21, .22 (2018).¹

How long do I have to submit my claim for reimbursement of expenses incurred in connection with my residence transactions?

Your claim for reimbursement should be submitted to your agency as soon as possible after the transaction occurred. However, the settlement dates for the sale and purchase or lease termination transactions for which reimbursement is requested must occur not later than 1 year after the day you report for duty at your new official station.

May the 1-year time limitation be extended by my agency?

Yes, your agency may extend the 1-year limitation for up to one additional year for reasons beyond your control and acceptable to your agency.

An agency cannot extend the time limit for incurring these expenses beyond what is prescribed in the FTR. *Rena C. Douglas*, CBCA 5388-RELO, 16-1 BCA ¶ 36,477; *Gary D. Turner*, CBCA 4178-RELO, 14-1 BCA ¶ 35,797 (citing *Kenneth T. Donahoe*, CBCA 3619-RELO, 14-1 BCA ¶ 35,746); *see also Aresh Raychaudhuri*, CBCA 2449-RELO, 11-2 BCA ¶ 34,821, *reconsideration denied*, 11-2 BCA ¶ 34,835.

The Joint Travel Regulations (JTR), which implement the FTR for civilian employees of the Department of Defense, reiterate the time limits for the settlement date for a purchase of a new residence:

¹ We cite to the versions of the FTR and Joint Travel Regulations (JTR) in effect on the day that the employee reported for duty at the new duty station. 41 CFR 302-2.3; *Emelda J. Hadley*, CBCA 4264-RELO, 15-1 BCA ¶ 35,930.

Time Limits. . . . The settlement for the sale, purchase, or lease termination transactions should be no later than 1 year after the civilian employee's effective date of transfer. The 1-year period begins when the civilian employee's transfer becomes effective and ends on the first anniversary of that date. The commanding officer or designee may extend the 1-year period for up to an additional year. . . . An extension may be granted only if extenuating circumstances prevented the civilian employee from completing the residence transactions within the initial 1-year period and that the delayed transactions are reasonably related to the PCS. Costs for transactions completed after the 2-year period may not be reimbursed. There is no authority to waive the 2-year time limitation under any circumstances.

JTR 054501-B.

Claimant requests that she be allowed reimbursement for real estate expenses incurred after the expiration of her last extension under the PCS order because the COVID-19 pandemic frustrated her efforts to find and purchase a suitable home during the period for which she was authorized reimbursement. The current regulations do not authorize the agency to extend the period for reimbursement of expenses past the two years that have been granted, and this Board does not have the authority to grant an extension not provided by law or regulation.

Decision

The claim is denied.

Allan H. Goodman
ALLAN H. GOODMAN
Board Judge