



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 27, 2022

CBCA 7406-RELO

In the Matter of CHRISTY P.

Christy P., Claimant.

Isaac Anderson, Chief, Civilian Staffing, Recruiting and Force Management Division, Air Force Personnel Center, Department of the Air Force, Joint Base San Antonio-Randolph, TX, appearing for Department of the Air Force.

SULLIVAN, Board Judge.

Claimant is a Department of the Air Force (USAF or agency) employee who seeks review of the agency's denial of her request for authorization for residence transaction reimbursement. Because the Joint Travel Regulations (JTR) do not authorize reimbursement for these expenses when an employee transfers to a permanent duty station (PDS) less than fifty miles from their old PDS, absent an agency exercise of discretion, we deny the claim.

Background

In August 2018, claimant received orders to move from Virginia to Germany. In 2021, she was reassigned to a new PDS for a key career position in Washington, D.C. Before relocating to Germany, claimant resided ten miles from her PDS in Virginia. This residence is 43.4 miles from her new PDS. Claimant no longer owns the residence in Virginia and purchased a home in the Washington, D.C., region near the new PDS. She seeks authorization for reimbursement of residence transaction costs following the purchase of a home in the Washington, D.C., region. USAF denied her request for authorization because the new PDS was within fifty miles of her old PDS.

Discussion

A civilian employee transferring from a foreign PDS to a PDS in the continental United States can receive reimbursement of costs for residence transactions if the transfer meets certain eligibility criteria, including the requirement that “[t]he distance between the residence, the old PDS, and the new PDS must meet the criteria in par. 054802 for a short-distance transfer.” JTR 054502-A.1.b (Aug. 2021). The criteria for a short-distance transfer is that “the distance to the new PDS from the civilian employee’s current residence is at least 50 miles further than the distance between the old PDS and the same residence.” JTR 054802-A.1; *see also* 41 CFR 302-2.6 (2021). To qualify, claimant’s previous residence would need to be located at least sixty miles away from her new PDS because her previous commute was ten miles. Because claimant’s previous residence is 43.4 miles from her new PDS, she does not meet this requirement.

The rule allows the agency to make an exception “when the move is in the Government’s interest” or “through the Secretarial Process.” JTR 054802-B. According to the agency’s response, the approving official decided not to exercise this discretion following the claimant’s request for reconsideration. “[W]hen regulations vest discretion in an agency with respect to the authorization of particular relocation expenses, the agency’s judgment will not be disturbed unless the determination is arbitrary, capricious, or clearly erroneous.” *William F. Brooks, Jr.*, CBCA 2595-RELO, 12-2 BCA ¶ 35,064, at 172,238; *see Jacqueline Lazú Laboy*, GSBCA 16738-RELO, 06-1 BCA ¶ 33,205, at 164,579. We find no abuse of discretion in the agency’s decision not to grant an exception. Similarly, claimant’s acceptance of a key career position provides no basis for an exception to the requirements of the JTR. Air Force Manual 36-606, Civilian Career Field Management and Force Development 29 (Nov. 14, 2019).

Decision

The claim is denied.

Marian E. Sullivan
MARIAN E. SULLIVAN
Board Judge