



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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March 5, 2025

CBCA 8128-RELO

In the Matter of ELLIS V.

Ellis V., Claimant.

David Fitzpatrick, Deputy Counsel, United States Pacific Fleet, Department of the Navy, Joint Base Pearl Harbor-Hickam, HI, counsel for Department of the Navy.

**NEWSOM**, Board Judge.

Claimant, a recently-hired civilian employee of the United States Navy, seeks relocation expenses for a move to his first permanent duty station in Hawaii. The parties agree that claimant may receive relocation expenses for a move from his actual residence to Hawaii, but they disagree about the location of claimant's actual residence. Claimant asserts that his actual residence was in Germany, while the Navy contends his actual residence was in Virginia. Based upon the Joint Travel Regulations (JTR) and our precedent, we conclude that claimant established that his actual residence at the time of his appointment was in Germany. We grant the claim.

Background

Claimant was living and working in Germany when in 2023, he applied for a civilian position with the Navy. In June 2023, the Navy selected claimant for the position. Because the duty station for the Navy job was in Hawaii, claimant requested relocation assistance, informing the Navy that he needed to relocate from Germany to Hawaii. Over the next several months, claimant further explained that, although his resume listed an address in the United States, claimant had been living and working in Germany for thirteen months as part of a two-year contract with a private company. His family, including his spouse and two children, were also living with him in Germany. His home in Germany included household

goods, although he had additional household goods stored in Virginia and Colorado. On September 19, 2023, claimant completed and executed a transportation agreement with the Department of Defense (form DD 1617) identifying his “actual residence at the time of appointment,” as well as his last permanent duty station, to be in Germany.

On October 18, 2023, shortly before his scheduled departure from Germany, the Navy informed claimant that it regarded his “actual residence” to be in Virginia, not Germany. Accordingly, the Navy provided relocation expenses only for a move from Virginia to Hawaii, not relocation expenses for a move from Germany to Hawaii.

### Discussion

JTR 054801 (Oct. 2023) addresses payment of relocation costs for new Department of Defense civilian employees. It specifies that relocation benefits cover costs for moving “from the actual residence, at the time of appointment,” to the first duty station. The term “actual residence” as defined in the JTR appendix is “the fixed or permanent domicile, also referred to as the home of record, of a civilian employee that can be justified as a bona fide residence.”

JTR 054903 elaborates on this standard in the specific context presented here: relocation to a duty station outside the continental United States. The regulation explains that a determination of the employee’s actual residence is a fact-intensive inquiry, with each determination made on a case-by-case basis. Agencies are directed to consider carefully “all facts” bearing upon the civilian employee’s residence. JTR 054903-B.1. The agency must determine the employee’s actual residence “when an individual initially is appointed or transferred,” and the residence can be “the place from which [the employee is] transferred” or “where a dependent and [household goods] are at the time of an individual’s appointment.” JTR 054903-B, -B.1.

Our decisions similarly determine that the actual residence is the location at which the appointee lived before selection. *Marlon D. Tomas*, CBCA 5107-RELO, 16-1 BCA ¶ 36,421, at 177,567. Our predecessor board for relocation decisions, the General Services Board of Contract Appeals (GSBCA), construing the JTR, emphasized the importance of the employee’s physical location over a purported legal residence when determining the actual residence. The GSBCA determined the actual residence is where the employee is physically living at the time of their “appointment in the absence of circumstances reasonably indicating” otherwise. *Anthony P. Belmont*, GSBCA 15463-RELO, 01-1 BCA ¶ 31,344, at 154,782; *accord Jennifer Harris*, GSBCA 16767-RELO, 06-1 BCA ¶ 33,256.

The record reflects that claimant’s actual residence was Germany, not Virginia. At the time of his appointment, claimant was physically living in Germany and had been living

there more than a year. His spouse and children were living in Germany with him, along with some household goods. No facts reasonably point to another place of residence. Although a Virginia address appeared on claimant's resume, he was not living there at the time of his appointment, and the record does not indicate when he last lived there nor suggest a continuing residence in Virginia. That claimant's household goods are scattered in three different locations (Colorado, Virginia, and Germany) also cuts against the Navy's determination that Virginia was his actual residence at the time of the appointment. We determine that the claimant's actual residence at the time of his appointment was in Germany.

Decision

The claim is granted.

*Elizabeth W. Newsom*  
ELIZABETH W. NEWSOM  
Board Judge