

## DECISIONS AUTHORIZED UNDER 31 U.S.C. § 3529

### Rule 501. Scope.

These procedures govern the Board's issuance of decisions, upon the request of an agency disbursing or certifying official, or agency head, on questions involving payment of travel or relocation expenses; these decisions were formerly issued by the Comptroller General under 31 U.S.C. 3529. Section 204 of the General Accounting Office Act of 1996, Pub. L. 104-316, transfers the authority to issue these decisions to the Director of the Office of Management and Budget and authorizes the Director to delegate the authority to perform this function to another agency or agencies. The Director has delegated the authority to issue these decisions to the Administrator of General Services, who has redelegate that function to the Civilian Board of Contract Appeals.

### Rule 502. Request for Decision.

#### (a) Request for decision.

(1) A disbursing or certifying official of an agency, or the head of an agency, may request from the Board a decision (referred to as a "Section 3529 decision") on a question involving a payment the disbursing official or head of agency will make, or a voucher presented to a certifying official for certification, which concerns the following type of claim made against the United States by a federal civilian employee:

(i) A claim for reimbursement of expenses incurred while on official temporary duty travel; and

(ii) A claim for reimbursement of expenses incurred in connection with relocation to a new duty station.

(2) A request for a Section 3529 decision must be in writing and refer to a specific payment or voucher, though no particular form is required. The request may not seek general legal advice and should:

(i) Explain why the official is seeking a Section 3529 decision, rather than taking action on his or her own regarding the matter;

(ii) State the question presented and include citations to applicable statutes, regulations, and cases;

(iii) Include:

(A) The name, address, telephone number, and email address of the official making the request;

(B) The name, address, telephone number, and email address of the employee affected by the specific payment or voucher; and

(C) Any other information the official believes the Board should consider.

(iv) Unless otherwise authorized by the Clerk, parties shall efile all submissions in accordance with Rule 1(b) ("efile; efilings"). Time periods are computed in accordance with Rule 3(a). Efilings received by 11:59:59 p.m. (Eastern Time) are same-day filings. Efilings received at or after midnight (12:00 a.m. Eastern Time) are

next-business day filings. See Rule 1(b) (“business days”); Rule 1(e) (“Location and addresses”); and Rule 1(f) (“Clerk’s office”).

**(b) Notice of docketing.** The Clerk of the Board will docket the request for a Section 3529 decision and promptly provide a written notice of docketing to the official and the affected employee. The notice of docketing will identify the judge to whom the request has been assigned.

**(c) Service of copy.** The official submitting a request for a Section 3529 decision shall provide the affected employee copies of all material provided to the Board. All submissions to the Board shall indicate that a copy has been provided to the affected employee and the method of service.

### **Rule 503. Additional Submissions.**

If the affected employee wishes to submit any additional information to the Board, he or she must submit such information within 30 calendar days after receiving the copy of the request for decision and supporting material. See Rule 502(a)(2)(iv) for filing requirements. To expedite proceedings, if the employee does not wish to make an additional submission, the employee should so notify the Board and the agency.

### **Rule 504. Proceedings.**

**(a) Requests for additional time.** The agency or the affected employee may request additional time to make any filing.

**(b) Conferences.** The judge will not engage in ex parte communications involving the underlying facts or merits of the request. The judge may hold a conference with the agency and the affected employee, at any time, for any purpose. The judge may provide the participants a memorandum reflecting the results of a conference.

**(c) Additional submissions.** The judge may require the submission of additional information at any time.

### **Rule 505. Decisions.**

The judge will issue a written decision based upon the record, which includes submissions by the agency and the affected employee, and information provided during conferences. The Board will provide a copy of the decision to the agency and affected employee. In addition, all Board decisions are posted weekly on the Board’s website. Published decisions will identify only first names of claimants and the first initial of their surnames.

**Rule 506. Reconsideration of Board Decision.**

The agency or the affected employee may request reconsideration. A request must be received by the Board within 30 calendar days after the date the decision was issued. The request should state the reasons why the Board should consider the request. Mere disagreement with a decision or re-argument of points already made is not a sufficient ground for reconsideration.