

TRAVEL AND RELOCATION EXPENSES CASES

Rule 401. Scope.

(a) **Authority.** These procedures govern the Board's resolution of claims by Federal civilian employees for certain travel or relocation expenses. 31 U.S.C. 3702 vests the authority to settle these claims in the Administrator of General Services, who has redelegated that function to the Civilian Board of Contract Appeals. The requirements contained in 31 U.S.C. 3702, including limitations on the time within which claims may be filed, apply to the Board's review of these claims.

(b) **Types of claims.** These procedures apply to the review of two types of claims made against the United States by federal civilian employees:

(1) Claims for reimbursement of expenses incurred while on official temporary duty travel; and

(2) Claims for reimbursement of expenses incurred in connection with relocation to a new duty station.

(c) **Review of claims.** Any claim for entitlement to travel or relocation expenses must first be filed with the claimant's own department or agency (the agency). The agency shall initially adjudicate the claim. A claimant disagreeing with the agency's determination may request review of the claim by the Board. The burden is on the claimant to establish the timeliness of the claim, the liability of the agency, and the claimant's right to payment. The Board will issue the final decision on a claim based on the information submitted by the claimant and the agency.

(d) **Filing method and computation of time.** 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). See Rule 1(b) ("business days"). 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.

(e) **Location and hours.** See Rule 1(e) for the Board's location, telephone number, and email address and Rule 1(f) for the Clerk's office hours.

Rule 402. Filing Claims.

(a) **Filing claims.** A claim may be sent to the Board in either of the following ways:

(1) **Claim filed by claimant.** A claim shall be in writing and must be signed by the claimant or by the claimant's attorney or authorized representative. No particular form is required. The request should describe the basis for the claim and state the amount sought. The request should also include:

(i) The name, address, telephone number, and email address of the claimant;

(ii) The name, address, telephone number, and email address of the agency employee who denied the claim;

(iii) A copy of the denial of the claim; and

(iv) Any other information which the claimant believes the Board should consider.

(2) Claim forwarded by agency on behalf of claimant. If an agency has denied a claim for travel or relocation expenses, it may, at the claimant's request, forward the claim to the Board. The agency shall include the information required by paragraph (a)(1) of this rule and by Rule 403.

(3) Where claims are filed. Claims should be filed with the Clerk of the Board. See Rule 401(d) for filing methods and requirements.

(b) Notice of docketing. The Clerk of the Board shall docket the request for review and promptly provide a written notice of docketing to the claimant and the agency. The notice of docketing will identify the judge to whom the claim has been assigned.

(c) Service of copy. The claimant shall provide the agency employee identified in paragraph (a)(1)(ii) of this rule, or the individual otherwise identified by the agency to handle the claim, copies of all material provided to the Board. If an agency forwards a claim to the Board, it shall, at the same time, provide the claimant a copy of all material sent to the Board.

Rule 403. Response to Claim.

(a) Content of response. When a claim has been filed with the Board by a claimant, within 30 calendar days after docketing by the Board, the agency shall submit to the Board:

(1) A simple, concise, and direct statement of its response to the claim;

(2) Citations to applicable statutes, regulations, and cases; and

(3) Any additional information the agency considers necessary to the Board's review of the claim.

(b) Service of copy. The agency shall provide claimant a copy of these submissions. To expedite proceedings, if the agency believes its reasons for denying the claim were sufficiently explained in the material filed by the claimant, it should notify the Board and the claimant that it does not intend to file a response.

Rule 404. Reply to Agency Response.

A claimant may file a reply to the agency response within 30 calendar days after receiving the response. If the claim has been forwarded by the agency, the claimant shall have 30 calendar days from the time the claim is docketed by the Board to reply. To expedite proceedings, if the claimant does not wish to reply, the claimant should so notify the Board and the agency.

Rule 405. Proceedings.

(a) **Requests for additional time.** The claimant or the agency 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 claim. The judge may hold a conference with the claimant and the agency contact, 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 406. Decisions.

The judge will issue a written decision based upon the record, which includes submissions by the claimant and the agency, and information provided during conferences. The Board will provide the claimant and the agency a copy of the decision. 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 407. Reconsideration of Board Decision.

The claimant or the agency 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.

Rule 408. Payment of Successful Claims.

The agency shall pay amounts the Board determines are due the claimant.