



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 30, 2012

CBCA 2675-RELO

In the Matter of COURTNEY L. JAMES

Courtney L. James, Baker City, OR, Claimant.

Michael S. Mottice, Associate State Director, Oregon/Washington, Bureau of Land Management, Department of the Interior, Portland, OR, appearing for Department of the Interior.

VERGILIO, Board Judge.

In connection with a permanent change of station, an employee then was required to complete residence transactions within a two-year period, unless the agency extended that period. A request to extend the two-year period was to be made no later than thirty days after the expiration of the two-year period, unless an agency specifically extended the time for a request. This claimant requested an extension too late and did not receive an extension. The agency acted appropriately in denying the claim because the claimant untimely sought an extension and the transactions were completed outside the two-year period.

The claimant, Courtney L. James, received authorization to recover real estate transaction expenses incurred in connection with a permanent change of station for the Department of the Interior. The effective transfer date was her reporting date, August 18, 2008. 41 CFR 302-2.4 (2008) (Federal Travel Regulation (FTR) 302-2.4). On that date, applicable regulations stated that all aspects of the relocation must be completed within two years of the effective date of the transfer. FTR 302-2.8. However, the explicit two-year limitation may be extended by the agency. FTR 302-2.11. To be eligible for consideration of an extension request, the claimant must submit a request to the agency not later than thirty calendar days after the expiration date, unless the thirty-day period is specifically extended by the agency. FTR 302-11.22, -11.23. (For transferees with reporting dates on or after August 1, 2011, the references to “two-year” have been changed to “one-year,” such that the

initial one-year period may be extended by an agency upon request by a transferee. 41 CFR 302-2.8, -2.11, -11.22, -11.23 (2011)).

On January 19, 2011, the claimant submitted a request for an extension, as she sought to recover expenses incurred in selling her residence on December 16, 2010. The request was made outside the period stated in the FTR. The agency has not extended the two-year period of time within which to submit the request for an extension; rather, an authorized agency official denied the request, noting that the request was not made in accordance with regulation. The determination, which complies with the FTR, is reasonable. The Board upholds the denial of the requested relief.

The agency's employee guide and policy guide specified that the request for an extension must be made prior to the expiration of the two-year period. This guidance shortened the period prescribed by the FTR. The record does not contain support for the agency to restrict the ability of an employee to request an extension as specified in the FTR. However, here the employee made the request untimely under the FTR and the guidance. Because the agency reasonably denied the request for, and the claimant did not receive, an extension of the two-year period, the claimant may not recover.

The Board denies the claimant's request for payment; the agency properly denied payment.

JOSEPH A. VERGILIO
Board Judge