



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 15, 2017

CBCA 5731-RELO

In the Matter of CHASE L. TEMPLE

Chase L. Temple, Manson, WA, Claimant.

Bruce Rohde, Assistant District Counsel, Seattle District, United States Army Corps of Engineers, Seattle, WA, appearing for Department of the Army.

KULLBERG, Board Judge.

Claimant, Chase L. Temple, seeks reimbursement of the expenses he incurred for the purchase of his home after transferring to his new duty station. The agency, the United States Army Corps of Engineers (USACE), contends that closing on the purchase of Mr. Temple's home occurred more than two years after the effective date of his permanent change of station (PCS) orders, and reimbursement of his real estate transaction expenses is not allowed because he had been granted only a one-year extension to the one-year period in which a transferred employee must incur such expenses in order to be reimbursed. For the reasons stated below, the claim is denied.

Background

USACE transferred Mr. Temple to his present duty station at the Chief Joseph Dam, Bridgeport, Washington, in accordance with his PCS orders, which had an effective date of December 1, 2014.¹ Mr. Temple's PCS orders authorized reimbursement of real estate

¹ Mr. Temple's PCS orders stated that the effective date was November 30, 2014, which was a Sunday, but his reporting date was the next day, December 1, 2014.

expenses incurred within one year of the effective date of those orders. After encountering difficulty purchasing a home within that one-year period, Mr. Temple requested and USACE granted a one-year extension until December 1, 2016, in which he could be reimbursed for expenses incurred in the purchase of a home. Mr. Temple purchased a home, and closing took place on December 12, 2016.

On April 27, 2017, Mr. Temple submitted his claim for the expenses related to the purchase of his home. USACE denied Mr. Temple's claim because closing on the purchase of his home took place more than two years after the effective date of his transfer. Mr. Temple subsequently brought his claim to the Board. In his claim, Mr. Temple contended that his claim should be granted because he had difficulty finding a suitable home in the area of his new duty station, and when he finally did purchase a home, the closing was delayed through no fault of his own.

Discussion

The issue in this matter is whether Mr. Temple is entitled to reimbursement for the expenses he incurred in connection with the purchase of his home more than two years after the effective date of his PCS orders. Statute provides for reimbursing "an employee who transfers in the interest of the Government, expenses of the . . . purchase of a residence at the new official station that are required to be paid by the employee, when the old and new official stations are located within the United States." 5 U.S.C. § 5724a(d)(1) (2012). The FTR, which applies to Mr. Temple, provides that an employee must "complete all aspects of [his or her] relocation within one year from the effective date of [the employee's] transfer." FTR 302-2.8. "[T]he 1-year time limitation for completing all aspects of a relocation may be extended by [his or her] Agency for up to one additional year." *Id.* 302-11. The Joint Travel Regulations (JTR), which also apply to Mr. Temple, provide that "[s]ettlement for the sale, purchase, or lease termination transactions should be not later than 1 year after the employee's transfer effective date." JTR 5908-C.1. "The 1-year period may be extended for up to an additional year." *Id.* 5908-C.4. "Costs for transactions completed after the 2-year period may not be reimbursed." *Id.* 5908-C.8. "There is no authority to waive the 2-year time limitation under any circumstances[, and] [t]he time limitation[s] . . . imposed in FTR [] 302-2.8 and 302-2.11 . . . have the force and effect of law." *Id.* 5908-C.10.

Under the Federal Travel Regulation (FTR), the effective date of an employee's transfer is the date he or she reports for duty. 41 CFR 302-2.4 (2014) (FTR 302-2.4). The Board's decision, accordingly, will use December 1, 2014, as the effective date of Mr. Temple's PCS orders.

Mr. Temple, consequently, had two years from the effective date of his PCS orders, December 1, 2014, in which to incur any expenses related to the purchase of his home, and the above-discussed FTR and JTR provisions do not allow for any additional time in which to incur such expenses. It is well recognized that “the regulations do not grant any authority to an agency or the Board to extend the period of eligibility, even if a good reason is cited for an extension.” *Emelda J. Hadley*, CBCA 4264-RELO, 15-1 BCA ¶ 35,930, at 175,610 (citing *Richard O. Dickson*, CBCA 2793-RELO, 12-2 BCA ¶ 35,133; *Jay Kruiise*, CBCA 985-RELO, 08-1 BCA ¶ 33,865). The closing date on the purchase of Mr. Temple’s home was December 12, 2016, which was more than two years after the effective date of his PCS orders, and his expenses related to that purchase are not reimbursable. Although Mr. Temple contends that he had difficulty locating a suitable home to purchase in the area of his new duty station, and settlement on the house he finally purchased was delayed due to no fault on his part, the Board has no authority to extend the time in which he was allowed to purchase a home and claim reimbursement for his expenses related to that purchase.

Decision

The claim is denied.

H. CHUCK KULLBERG
Board Judge