



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 3, 2011

CBCA 2449-RELO

In the Matter of ARESH RAYCHAUDHURI

Asesh Raychaudhuri, Washington, DC, Claimant.

Cheryl Holman, Chief, PCS Travel Section, Department of Veterans Affairs, Austin, TX, appearing for Department of Veterans Affairs.

GOODMAN, Board Judge.

Claimant, Asesh Raychaudhuri, is an employee of the Department of Veterans Affairs. He has asked this Board to review the agency's denial of an extension of time within which to claim relocation benefits.

The agency issued travel orders dated July 2, 2007, for the claimant's relocation from Sharon, Massachusetts, to Washington, D.C., and authorized shipment and storage of household goods (HHG) for his relocation. The relevant portion of the Federal Travel Regulation (FTR) provides:

When must I complete all aspects [of] my relocation?

You and your immediate family member(s) must complete all aspects of your relocation within two years from the effective date of your transfer or appointment.

41 CFR 302-2.8 (2007). Therefore, claimant's shipment of HHG and storage entitlement needed to be completed by July 2, 2009, as annotated on claimant's travel orders.

On April 13, 2009, claimant requested an extension for completion of his relocation which was approved for an additional two years. Amended travel orders were processed with a completion date of July 2, 2011. This extension was granted pursuant to the FTR provision which reads in relevant part:

May the 2-year time limitation for completing all aspects of a relocation be extended?

Yes, the 2-year time limitation for completing all aspects of a relocation may be extended by your Agency for up to 2 additional years, but only if you have received an extension under § 302-11.22 [regarding the limitation of time for residence transactions].

41 CFR 302-2.11.

In March 2011, claimant asked for an additional extension, based upon the fact that he had purchased a new home which would not be completed before July 2, 2011. He stated that he needs this extension within which to move his HHG from his home at his old duty station. The agency advised that no further extensions were allowable.

Claimant has asked this Board to review the agency's decision. In support of his request for review, he states that FTR 302.11.22, relied upon by the agency, does not prohibit the agency from applying discretion in special circumstances beyond the control of the employee to issue additional extensions. Additionally, his request was approved by the agency director of human resources. The housing market was very unfavorable during the last four years, and he was unable to sell his house at his old permanent duty station (PDS) and buy a home at the new PDS. His wife lived at the residence at the old PDS and was unable to ship the HHG to a new residence. The builder did not complete the new residence in time to complete his transfer within the time extended for his relocation.

The regulations do not allow a discretionary extension beyond the extension previously received by claimant. There is no statutory or regulatory authority to grant claimant additional time to complete his relocation. The agency correctly denied the requested extension.

The claim is denied.

ALLAN H. GOODMAN
Board Judge

