



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 24, 2012

CBCA 2991-RELO

In the Matter of PETER A. KOSLOSKI

Peter A. Kosloski, Tamuning, Guam, Claimant.

James Kendall, Comptroller, Submarine Maintenance Engineering Planning and Procurement Activity, Portsmouth Naval Shipyard, Portsmouth, NH, appearing for Department of the Navy.

DANIELS, Board Judge (Chairman).

While Peter A. Kosloski was a uniformed service member stationed in Guam, he applied for and accepted a civilian position with the Department of the Navy, also in Guam. He retired from lengthy service in the Navy on August 31, 2012, and began work as a civilian employee of that department on September 10. The activity which currently employs him asks the Board for an advance decision, as permitted by 31 U.S.C. § 3529 (2006), as to whether Mr. Kosloski is eligible for permanent change of station benefits.

Both the activity and the employee request that we answer the question in the affirmative. Mr. Kosloski has provided the following information which he believes (and the activity agrees) is supportive of the desired result. Mr. Kosloski reported for active duty in the Navy from the State of Minnesota, and Minnesota continues to be his home of record. His previous military assignment with the Navy was in New York State, and some of his belongings remain in storage in that state at government expense. At the time he applied for and accepted the civilian position in Guam, he was on temporary duty in Oregon, where the ship to which he was assigned was being overhauled. He has paid Oregon state taxes for more than twenty years. His dependents are located on Guam, which he considered a temporary residence until he began work as a civilian.

Unfortunately for Mr. Kosloski and the activity which employs him, none of this information affects our disposition of the case. The Federal Government provides relocation benefits only to new appointees who are assigned to duty stations other than their places of residence and employees who are transferred to new duty stations in the interest of the Government. 5 U.S.C. subch. 57-II (2006); 41 CFR 302-1 (2012). Mr. Kosloski, as a first-time civilian employee, is considered for the purpose of relevant law to be a new appointee, notwithstanding his previous military service. He was hired locally and did not relocate to assume his new position. He is therefore ineligible for relocation benefits. *Randy Prewitt*, CBCA 1548-RELO, 09-2 BCA ¶ 34,253; *Henry H. Arnold IV*, GSBCA 16275-RELO, 04-1 BCA ¶ 32,586; *Wilbert J. Haggray*, GSBCA 16139-RELO, 03-2 BCA ¶ 32,387.

Mr. Kosloski maintains that as a uniformed service member who separated from the service overseas, he is entitled to travel and transportation benefits which accrue as a result of his military service. While this may be true, we do not consider the matter. Our jurisdiction as to relocation benefits is limited to claims involving expenses incurred by federal *civilian* employees. 31 U.S.C. § 3702(a)(3). Claims involving relocation benefits of uniformed service members are resolved by the Department of Defense's Office of Hearings and Appeals. *Id.* § 3702(a)(1)(A).

STEPHEN M. DANIELS
Board Judge