



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 21, 2012

CBCA 2578-RELO

In the Matter of KEITH E. MAYO

Keith E. Mayo, F.E. Warren Air Force Base, WY, Claimant.

Christine Murray, Civilian Personnel Officer, 86TH Airlift Wing, Department of the Air Force, APO Area Europe, appearing for Department of the Air Force.

KULLBERG, Board Judge.

Claimant, Keith E. Mayo, was voluntarily assigned by the United States Air Force (USAF) to the position of security specialist in Kuwait City, Kuwait, and his assignment began on January 28, 2010. Shortly after arriving at his new duty station, Mr. Mayo submitted a request for a separate maintenance allowance (SMA). His request for SMA indicated that his wife could not accompany him to Kuwait because of “medical reasons and her duty position.” By letter dated February 3, 2011, the USAF denied Mr. Mayo’s request. Mr. Mayo subsequently submitted his claim to the Board.

Although the issue of jurisdiction was not raised by either of the parties, the settlement of Mr. Mayo’s claim for SMA is not within this Board’s authority. Statute provides for payment of SMA to an employee “who requests such an allowance because of special needs or hardship involving the employee or the employee’s spouse or dependents, to meet the additional expenses of maintaining, elsewhere than at the post, the employee’s spouse or dependents, or both.” 5 U.S.C. § 5924(3) (2006). The Office of Personnel Management (OPM) is the proper forum to resolve claims for SMA. *Roy L. Edgar*, CBCA 1985-RELO, 11-1 BCA ¶ 34,702, at 170,893-94 (citing *Donald E. Guenther*, GSBICA 14032-RELO, 97-1 BCA ¶ 28,795). In *Edgar*, the Board distinguished the authority to settle an employee’s

claims for travel and relocation expenses, which has been assigned by statute to the Administrator of the General Services Administration and delegated by the Administrator to the Board, and the authority assigned by statute to the Director of the Office of Personnel Management (OPM) to settle an employee's claims regarding compensation and leave. *Id.* (citing 31 U.S.C. § 3702(a)(3)-(4)). SMA is not a relocation expense; rather, it is an allowance, which is a form of compensation, that an employee receives after relocation. *Id.* OPM, therefore, is the proper agency to settle claims for SMA.

Accordingly, this matter is transferred to OPM for adjudication.

H. CHUCK KULLBERG
Board Judge