



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 8, 2014

CBCA 3349-RELO

In the Matter of MUSTAK Y. KEVAL

Mustak Y. Keval, APO, Area Europe, Claimant.

Antonio B. Castro, Chief, Centrally Managed Programs Branch, Air Force Personnel Center, Randolph Air Force Base, TX, appearing for the Agency

SHERIDAN, Board Judge.

Claimant, Mustak Y. Keval, an Air Force civilian employee, seeks payment for property management services (PMS) as originally provided for in his permanent change of station (PCS) orders. However, claimant was not a GS-13 grade level or higher, and therefore did not meet the eligibility requirements for a PMS entitlement as set forth in Air Force Manual (AFMAN) 36-606, *Civilian Career Field Management and Development* (effective October 1, 2012). The agency's subsequent amendment of claimant's orders to delete the entitlement to PMS was correct. The claim is denied.

Background

Claimant, a GS-12 supervisory family matters specialist for the United States Air Force, received PCS orders on October 28, 2012, to relocate from Travis Air Force Base (AFB), California, to Geilenkirchen Air Base, Germany. The orders did not contain a PMS allowance. According to the agency, this was in accordance with AFMAN 63-606, paragraph 1.24.2.2.1, which sets forth the Department of Defense National Relocation Program (DNRP) and establishes eligibility for, among other things, PMS associated with

relocation.¹ Paragraph 1.24.2.2.1, which became effective as of October 1, 2012, established the eligibility grade criteria for an employee transferring to a centrally-managed position assigned in a foreign area as equivalent to a GS-13 grade level or higher.

Prior to his transfer, claimant contacted the PCS unit at Randolph AFB to explain that he would be renting his home in Sacramento, California, while he was stationed in Germany, and to request that his orders be amended to include an allowance for PMS. On November 5, 2012, a PCS unit technician amended claimant's travel orders to add the PMS entitlement.

Claimant relocated to Germany and, on March 5, 2013, requested information on how to file for reimbursement of PMS fees he paid to a rental company for taking care of his home. Various email messages were exchanged between claimant and a human resources specialist at the Air Force Personnel Center (AFPC), Randolph AFB, who informed claimant that per AFMAN 36-606, he was not entitled to PMS because he was not a GS-13 grade level or higher. On April 17, 2013, claimant's orders were amended to delete the PMS. On April 18, claimant filed an appeal to the Board.

Discussion

PMS are available to some, but not all Air Force employees who are transferred to a centrally-managed position in a foreign area. Employees at a GS-12 grade level or below are not eligible for PMS. As a GS-12 employee, claimant did not meet the eligibility requirements set forth in AFMAN 36-306 for PMS entitlement. His travel orders should not have included a PMS entitlement.

As a general rule, after an employee travels, travel orders cannot be retroactively revoked or modified to decrease or increase an employee's benefits unless the orders were erroneous on their face; in conflict with a law, regulation, or agency instruction; or contrary to the agency's definite intention when the orders were issued. *Nina Robertson*, CBCA 1617-TRAV, 10-2 BCA ¶ 34,467; *Jack J. Pagano*, CBCA 1838-TRAV, 10-1 BCA ¶ 34,408; *Mark N. Roush*, CBCA 1706-TRAV, 10-1 BCA ¶ 34,313(2009); *Jeffrey D. Vance*, GSBCA 16016-RELO, 03-2 BCA ¶ 32,317; *Samuel E. Jones*, GSBCA 15770-RELO, 02-2 BCA ¶ 31,897; *Andre E. Long*, GSBCA 14498-TRAV, 98-1 BCA ¶ 29,731.

¹ The agency referenced the AFMAN effective as of October 1, 2012, as applying to this matter. On that date, the AFMAN changed the eligibility grade for participation in the DNRP from GS-12 to GS-13 and above.

When claimant's orders were amended on November 5, 2012, to add a PMS entitlement, they were amended in clear conflict of well-established, agency-wide instruction contained in AFMAN 36-306, and may, therefore, be amended retroactively. *Michael R. McKee*, GSBCA 14563-TRAV, 98-2 BCA ¶ 29,982; *Long*. The agency's subsequent amendment of the orders to delete the PMS entitlement was correct.

Decision

The claim is denied.

PATRICIA J. SHERIDAN
Board Judge