



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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May 26, 2016

CBCA 5304-RELO

In the Matter of SHAWN M. RODMAN

Shawn M. Rodman, APO Area Europe, Claimant.

Anthony Ates, Chief, Educator Staffing Section, Department of Defense Education Activity Europe Human Resources, APO Area Europe, appearing for Department of Defense.

**DANIELS**, Board Judge (Chairman).

The Department of Defense Education Activity (DoDEA) transferred Shawn M. Rodman from one school to another in Germany in August 2015. Mr. Rodman informed his superiors that he would commute from his previous post to the new one for several months, and would actually move only after his son had finished his senior year of high school at the old location. Once he and his family were ready to move, he requested “advance pay,” stating that “advanced pay is necessary to off-set expenses needed to complete my PCS [permanent change of station] move.” His principal and district superintendent concurred with his request. DoDEA denied his request, however, stating:

The SOP [standard operating procedure] for advance pay states the employee can receive the advance either 3 weeks prior to the estimated departure date for assignment to a foreign area or up to 2 months after arrival. If the 2 months has passed the employee is no longer entitled to the advance of pay regardless of executing shipment of HHG [household goods].

DoDEA told Mr. Rodman that he could appeal its determination to the Office of Personnel Management (OPM). Under statute, 31 U.S.C. § 3702(a)(2) (2012), “The Director of the Office of Personnel Management shall settle claims involving Federal civilian employees’ compensation and leave.” Nevertheless, an OPM official responded, “Although

your letter contains a pay-related concern, after carefully reviewing your letter, we have determined that your request appears to be under the jurisdiction of the U.S. Civilian Board of Contract Appeals (CBCA). . . . The CBCA has authority over claims by Federal employees in connection with relocation to a new duty station.” Mr. Rodman then asked us to review and reverse DoDEA’s determination regarding his request for advance pay.

We take no pleasure in disagreeing with OPM, and we particularly dislike treating employee claims like shuttlecocks, to be batted back and forth between forums. We are certain, however, that we have no authority to consider Mr. Rodman’s case. Every indication points to the subject of his claim being pay, a form of compensation, rather than relocation expenses.

Mr. Rodman characterizes the claim as one for advance pay, and indeed, advance pay is addressed specifically by his travel orders. The orders state – in a paragraph highlighted by him – “Employee is eligible for advance in pay as authorized in DoD [Department of Defense] Instruction 1400.25, Volume 1250.” Volume 1250 addresses “Overseas Allowances and Differentials,” which are forms of compensation, and includes a paragraph entitled “Advance in Pay.” That paragraph informs that “[p]rocedures for obtaining an advance in pay when employees are proceeding to or arriving at a post of assignment in a foreign area are contained in Volumes 5 and 8 of the Department of Defense Financial Management Regulation.” Volume 5 is entitled “Disbursing Policy”; it contains chapters which address safeguarding, disbursing, and collecting public funds. Volume 8 is entitled “Civilian Pay Policy”; it contains chapters which address pay administration, deductions, leave, and indebtedness. One chapter, entitled “Department of Defense Education Activity (DoDEA) Employees,” concerns pay and leave of DoDEA employees.

Section 3702 of title 31, United States Code, grants to the Administrator of General Services, as well as the Director of OPM, the authority to settle certain claims. The claims under the jurisdiction of the Administrator are those “involving expenses incurred by Federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official duty station.” 31 U.S.C. § 3702(a)(3). The Administrator has delegated this authority to the Board. GSA Order ADM P 5450.39D, at 157 (Nov. 16, 2011); *see Robin D. Hibler*, CBCA 4852-RELO, 15-1 BCA ¶ 36,083. Thus, if after Mr. Rodman moves, he disputes DoDEA’s determination as to a relocation expense he has incurred (such as the cost of moving his household goods), he may ask us to settle his claim for the disputed amount, and we will do so. To this point, however, he has not made a claim for relocation expenses; his only claim is for advance pay. We have no authority to consider this claim, notwithstanding the employee’s reason for seeking the pay.

Accordingly, we dismiss the case and transfer it to the Office of Personnel Management, which does have the authority to settle claims for federal civilian employees' compensation.

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STEPHEN M. DANIELS  
Board Judge