



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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October 18, 2016

CBCA 5129-RELO

In the Matter of FREDDIE O. JARVIS II

Freddie O. Jarvis II, Da Lat, Vietnam, Claimant.

Joseph Magee, Sr., Chief, Missile Branch, Department of the Army, Redstone Arsenal, AL, appearing for Department of the Army.

**RUSSELL**, Board Judge.

Claimant, Freddie O. Jarvis II, seeks reconsideration of the Board's decision denying his claim for real estate transaction expenses related to the post-retirement sale of his home in El Paso, Texas. *Freddie O. Jarvis II*, CBCA 5129-RELO (July 21, 2016). Mr. Jarvis is a retired employee of the United States Army (Army) who was stationed at Kadena Air Base in Okinawa, Japan, until his retirement in June 2015, when he moved to Da Lat, Vietnam. In its previous decision, the Board concluded that the specific relocation allowances to which Mr. Jarvis was entitled were limited to travel for him and his immediate family to Da Lat, Vietnam, per diem for himself, and transportation and storage in transit of his household goods, as provided in section 5504-J of the Joint Travel Regulations (JTR). The Board determined that Mr. Jarvis, as a civilian employee retiring from service overseas, was ineligible to receive reimbursement for real estate transaction costs. For the reasons discussed below, the Board sees no reason to depart from its initial determination.

Discussion

Under Board Rule 407, “[m]ere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration.” In general, the Board will not grant reconsideration based on arguments that were or should have been raised during the original proceeding. *See, e.g., Jerie Renee Holliday*, CBCA 3931-RELO, 15-1 BCA ¶ 35,911, at 175,539 (2014).

Review of applicable regulations shows that Mr. Jarvis did not meet the requirements to be reimbursed for his real estate transaction costs. Under 5 U.S.C. § 5724a(d) (2012), as implemented in the Federal Travel Regulation (FTR) and the JTR, real estate transaction expenses related to the sale of a residence are reimbursable in only two situations. The first situation is when an employee receives a permanent change of station (PCS) from one duty station in the United States to a different duty station within the United States. 5 U.S.C. § 5724a(d)(1); 41 CFR 302-11.2(a) (2014) (FTR 302-11.2(a)); JTR 5908-B.2. The second situation is when an employee receives a PCS from a duty station outside the United States to a duty station in the United States that is more than fifty miles from the duty station within the United States from which the employee was transferred abroad. 5 U.S.C. § 5724a(d)(2); FTR 302-11.2(b); JTR 5908-D.2. Further, real estate expenses will be reimbursed in these two situations only if the relocation is made in the interest of the Government, not for the convenience of the employee. 5 U.S.C. § 5724a(d); FTR 302-11.2. Mr. Jarvis's relocation from Kadena Air Base to Da Lat, because of retirement not reassignment, does not fit within either of the two situations pursuant to which a relocating employee is entitled to an allowance or reimbursement for real estate transaction expenses.

In his request for reconsideration, Mr. Jarvis contends that the Board did not give sufficient consideration to the ruling in *Linda L. Skaggs*, GSBCA 16494-RELO, 05-1 BCA ¶ 32,813 (2004). He asserts that, just as the claimant in *Skaggs* completed her service agreement, he had completed multiple service agreements during his time stationed in Okinawa. He argues that, as a result, reimbursement of his real estate transaction expenses was a vested relocation benefit that was not altered by his retirement. Mr. Jarvis's reliance on the decision in *Skaggs* is misplaced. There, the Department of Defense expressly agreed to reimburse Ms. Skaggs for her real estate transaction expenses so long as she remained in service for an agreed-upon period of time and met other eligibility requirements. Ms. Skaggs met those requirements and, thus, the General Services Board of Contract Appeals held that she was entitled to reimbursement of her real estate transaction expenses; the fact that she retired after fulfilling the terms of her service agreement was irrelevant.

Unlike Ms. Skaggs, Mr. Jarvis did not receive specific authorization for reimbursement of real estate transaction expenses as part of his relocation allowances nor, pursuant to statute and applicable regulations, was he entitled to such. As indicated above, an employee who is transferred outside the continental United States is only eligible for reimbursement of real estate transaction expenses when he or she is transferred, for the benefit of the Government, back to the continental United States to a duty station that is more than fifty miles from the old duty station from which he or she was originally transferred. Mr. Jarvis's relocation does not fit within this category. Accordingly, Mr. Jarvis's request for reconsideration is denied.

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BEVERLY M. RUSSELL  
Board Judge