



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 12, 2024

CBCA 7901-RELO

In the Matter of JOHN B.

John B., Claimant.

Briana C. Alvarez, Acting Director, Human Resources Office Rota, Office of Civilian Human Resources, Commander, Navy Region Europe, Africa, Central, FPO Area Europe, appearing for Department of the Navy.

RUSSELL, Board Judge.

Claimant seeks review of the Department of the Navy's (Navy's or agency's) denial of his request for property management services. Because claimant failed to request these services before the issuance of his travel orders as required by the Navy, and there is no provision in the Navy's relocation guides or the Joint Travel Regulations (JTR) supporting an exception to this requirement, we deny the claim.

Background

On May 25, 2023, via email, claimant received a tentative job offer from the Navy that required a permanent change of duty station from Virginia Beach, Virginia, to Naples, Italy. The email included a list of matters – including property management allowances – that the claimant might want to consider in making his decision about the offer and provided the name, email address, and phone number of a human resources specialist whom claimant could contact if he had any questions on these matters. As for the property management allowance, the email stated:

The purpose of property management allowances is to reduce the [Government's] relocation costs by using the property management allowance

in place of allowances for the sale of the employee's residence; and to relieve an employee transferred to [outside the continental United States (OCONUS)] duty stations from the cost of maintaining a home in [the continental United States] during the tour of duty. [Property management services] is a discretionary allowance. Procedure is that the authorization must be approved by the Secretarial Process . . . prior to the issuance of the [permanent change of station (PCS)] travel orders.

The job offer email also stated, "It is imperative that you thoroughly read and review the attached Overseas Recruitment Guide." The guide described the process of applying for property management services and, similar to the email, noted that property management services are a discretionary allowance that must be approved through the Secretarial process before travel orders are issued.

On May 31, 2023, claimant received a second email informing him of his eligibility for relocation benefits and providing him with the "OCONUS New Employee Orientation and Resource Guide, Part 2, Overseas Entitlements and Allowances." Similar to the previous email sent to claimant regarding his job offer, this one and its materials described property management services as a discretionary allowance and warned that the allowance must be approved before issuance of travel orders—and again noted that claimant should direct any questions to his human resources specialist. In this email, the human resources specialist stated, "Please review the guide and if you have any questions, do not hesitate to let me know. I'm willing to help you [navigate] through the guide"

On July 27, 2023, the Navy was informed that claimant accepted the job offer. The next day, the Navy effectuated claimant's travel orders. However, the record does not reflect that, before this date, claimant ever requested property management services or contacted the human resources specialist with any questions about that allowance.

On August 28, 2023, claimant requested that the agency authorize property management services as part of his relocation benefits. On September 6, 2023, the agency informed claimant that it would not be able to revise his benefits because his original travel orders had already been issued. Claimant requested that the agency reconsider on September 18 and September 25, 2023. The agency denied claimant's request. On September 27, 2023, claimant appealed this decision to the Board and requested that we find that the agency failed to properly counsel him on how to receive the property management services allowance.

Discussion

Property management services are a type of discretionary relocation services allowance that a Department of Defense (DoD) component may offer to an eligible civilian employee. JTR 053608 (July 2023). The DoD component must use the Secretarial Process to approve these discretionary allowances on behalf of a civilian employee who is transferred to a foreign permanent duty station. JTR 054603. Like any relocation services benefit, property management services must be reflected on a civilian employee's original PCS or travel orders:

Relocation services authorization must be on the original PCS order, even if contingent on circumstances, such as hardship situations after aggressive attempts to sell the home. The funding activity may make an exception if a mandatory authorization, such as a move related to [a Base Realignment and Closure], was omitted inadvertently or through error when preparing the order.

JTR 054601-B.

“[A] DoD Component must provide counseling about relocation services as soon as possible after selection of a civilian employee and before a civilian employee transfers within or between DoD Components or to another Agency.” JTR 053608-B. However, “[t]he DoD Component must determine how to monitor and evaluate that counseling.” *Id.*

In this matter, claimant argues that the agency should bear responsibility for his failure to receive property management services benefits because it did not counsel him about those benefits prior to issuance of his travel orders. To the contrary, the materials that claimant received repeatedly warned him that property management services are a discretionary allowance that must be approved before travel orders are issued, provided him information on requesting the allowance, and directed him to bring questions to his designated human resources specialist. Claimant offers no reason why this information, provided to him on multiple occasions before he accepted the Navy's job offer, was insufficient.

Claimant argues that the agency should apply the exception to the requirement that relocation services benefits be reflected on travel orders (*see* JTR 054601-B) and grant him the allowance despite his late request. However, this exception only applies to mandatory authorizations mistakenly omitted from an employee's travel orders and, thus, does not apply here.

Claimant further argues that the agency's hiring manager made assurances during his interview that he would qualify for property management services. However, claimant's

description of these conversations does not suggest that his hiring manager promised that he would actually receive the allowance. JTR 053608 makes clear that reimbursement for property management services is a discretionary allowance, not a contractually guaranteed benefit. *Miguel A. Correa*, CBCA 6778-RELO, 20-1 BCA ¶ 37,643, at 182,767.

Decision

The claim is denied.

Beverly M. Russell
BEVERLY M. RUSSELL
Board Judge