



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 7, 2024

CBCA 8007-RELO

In the Matter of TIFFANY B.

Tiffany B., Claimant.

Ashley R. Armes, Chief, Career Field Management Branch, Talent Management Division, Air Force Personnel Center, Directorate of Civilian Personnel, Department of the Air Force, Randolph Air Force Base, TX, appearing for Department of the Air Force.

ZISCHKAU, Board Judge.

Tiffany B. (claimant), a new hire employee of the Air Force Personnel Center, seeks reimbursement for residence sale and purchase expenses under the Department of Defense (DoD) National Relocation Program (DNRP) for her permanent change of station (PCS) inside the continental United States (CONUS). Because the Joint Travel Regulations (JTR) do not authorize reimbursement of residence sale and purchase expenses for first-duty hires, we deny the claim.

Background

On March 31, 2023, the claimant received a temporary job offer for a first-duty station at Joint Base Langley-Eustis, Virginia. The offer classified her as a new hire. The agency states that although the offer erroneously instructed her to review the “CONUS TO CONUS PCS counseling briefing (per Chapter 5, Part F)” at a designated website, the correct training for first-duty civilian hires, “First-duty Civilian PCS Briefing,” is listed on the same website. In any event, the briefing referenced in the offer did not mislead the claimant because the CONUS-to-CONUS briefing slides also accurately indicate that real estate expenses are not available for first-duty station moves. This is supported by JTR 054801-D, tbl. 5-98 (May 2023), which lists “[r]esidence sale and purchase expense” as an unauthorized

allowance for travel to a first-duty station. These same slides additionally state that the relocation program is discretionary and only available for those who have “Real Estate” and “Relocation Services” authorized on their PCS orders. This is supported by the JTR, which states that only “authorized transferring DoD employees” are eligible for the discretionary relocation program benefits. JTR 053608-A.

On May 9, 2023, the claimant set her start date as June 5, 2023, and received her travel orders on May 30, 2023. The travel orders did not authorize “Real Estate Expenses” and “Relocation Services.” The claimant prepared to put her former residence on the market around July 24, 2023. The claimant provided emails showing that she did not contact anyone regarding the receipt of real estate benefits until August 17, 2023, and again on October 3, 2023. On October 5, 2023, the claimant was informed that, as an appointee to her first-duty station, she was ineligible for reimbursements under the relocation program. The claimant was then instructed on February 1, 2024, that although she was referred to the incorrect PCS briefing, her travel orders were correct. Furthermore, she was provided with JTR 054801-D, tbl. 5-98, which explained that her requested reimbursements were not authorized for first-duty station travel costs. On February 8, 2024, claimant filed her claim with the Board.

Discussion

The claimant argues that since her offer told her to review the CONUS-to-CONUS PCS briefing instead of the first-duty civilian PCS briefing, she should be entitled to the relocation program funding. However, the Board has consistently held that erroneous advice provided by a government official “cannot create or enlarge entitlements that are not provided by statute or regulation.” *Emily G. Gibson*, CBCA 1160-RELO, 08-2 BCA ¶ 33,946, at 167,962 (citing *Joseph E. Copple*, GSBICA 168949-RELO, 06-2 BCA ¶ 33,332, at 165,290); *see also* *Monika M. Derrien*, CBCA 5901-TRAV, 18-1 BCA ¶ 36,967, at 180,100 (“[A]n agency employee’s erroneous advice cannot obligate the Government to make payment of monies that are not authorized by statute and regulation.”). Since the JTR explicitly outlines that the claimant would not be eligible for relocation program funding, she is not entitled to receive the real estate benefits.

Additionally, the claimant always had access to the correct information, as both the website and the briefing she was directed to included accurate explanations of the benefits for which she was eligible as a first-duty hire. In addition, her travel orders correctly indicated that she was not authorized reimbursement for real estate expenses or relocation services. Per her own supporting documentation, the claimant did not try to confirm her assumptions or clear up her confusion regarding relocation program funding before moving and listing her previous home for sale.

Decision

The claimant is not eligible for relocation program reimbursement, and the Board does not have the authority to grant any of the relief requested by the claimant. We deny the claim.

Jonathan D. Zischkau
JONATHAN D. ZISCHKAU
Board Judge