UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 27, 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.

Claimant seeks timely reconsideration under Board Rule 407 (48 CFR 6104.407 (2023)) of our decision, *Tiffany B.*, CBCA 8007-RELO (June 7, 2024). In that decision, we denied reimbursement for residence sale and purchase expenses under the Department of Defense (DoD) National Relocation Program (DNRP). We determined that claimant was not eligible to receive DNRP benefits under the Joint Travel Regulations (JTR) because she was a first-duty hire. In her request for reconsideration, claimant again asserts that she is entitled to reimbursement because she was required to review incorrect briefing information. We held that the incorrect briefing information was not misleading and not controlling, given the limited benefits available to first-duty hires. Claimant now also argues that we showed bias against her. We deny claimant's motion for reconsideration.

Discussion

Board Rule 407 provides that "[m]ere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration." In seeking reconsideration, claimant presents the same arguments and evidence previously considered by us. We concluded that because claimant was a first-duty hire, she was not eligible for

DNRP benefits. JTR 054801-D, tbl. 5-98 (May 2023) ("[r]esidence sale and purchase expense" listed as an unauthorized allowance for travel to a first-duty station).

In her reconsideration request, claimant asserts that there were "numerous phone calls and emails not submitted into evidence." In order to be considered, new evidence must have been unavailable prior to resolution of the matter for which reconsideration is being sought. *See Delaware Valley Floral Group, Inc. v. Shaw Rose Nets, LLC*, 597 F.3d 1374, 1384 (Fed. Cir. 2010). Since claimant chose not to provide in her claim any evidence of the referenced phone calls and emails, and since they were available at the time she filed her claim, they do not constitute new evidence. Even if the Board were to consider such evidence, it would not change the result here because claimant's status as a first-duty hire makes her ineligible to receive DNRP benefits.

Claimant also seeks reconsideration on the ground that the Board is biased against her. The contention of bias is premised in large part on the fact that many of the statements in the Board's decision parallel arguments made by the agency in its response to the claim. To the extent that our decision adopts positions advanced by the agency, it is because we agreed with the agency's arguments. Claimant also alleges bias based on the fact that the agency did not provide her with a service copy of its response within thirty days, as per Rule 403(a) and 403(b). We directed the agency to serve a copy, and the agency did so promptly. The agency's accidental late service to claimant of its response to the claim was a harmless error and did not prejudice claimant. Clearly, this is not a basis for reconsideration.

Decision

We deny claimant's motion for reconsideration.

Jonathan D. Zischkau
JONATHAN D. ZISCHKAU
Board Judge