



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 26, 2025

CBCA 8215-RELO

In the Matter of FRISNER J.

Frisner J., Claimant.

Maili L. Peters, Chief, Talent Management Division, Headquarters, Air Force Personnel Center, Department of the Air Force, Randolph Air Force Base, TX, appearing for Department of the Air Force.

SULLIVAN, Board Judge.

Claimant seeks review of the denial by the Department of the Air Force (Air Force or agency) of his request for an extension of time to incur real estate expenses following a permanent change of station (PCS). The Air Force denied the extension request upon finding that the claimant had not identified extenuating circumstances. We deny the claim.

Background

Claimant is a civilian Air Force employee. In February 2023, claimant received orders transferring him to Cape Canaveral Air Force Base, with an effective date of March 13, 2023. As part of his PCS allowances, claimant was permitted to seek reimbursement of real estate expenses for the purchase of a home near the new duty station.

Unable to find a home to purchase at the time of his transfer, claimant leased a house for one year, through March 2024. In February 2024, claimant sought an extension of one-year, explaining that he planned to make an offer on the house he was renting but would not know until mid-March whether the owner would sell. If he was unable to purchase the current rental, he planned to “move forward with another house.” On March 8, 2024, the

agency denied the request, finding that claimant opted to rent a house through March 2024 and had only started to look for a home to purchase two months before the deadline.

Claimant asked the agency to reconsider the decision, explaining that he only needed a sixteen-day extension and that serious health issues that occurred just prior to his PCS prevented him from looking for a house after his transfer. The agency, in its response to the claim before the Board, explains that it considered claimant's reconsideration request and the new information provided but again denied it finding that claimant had delayed the search for a home to purchase until the last two months of the one-year time period.

Discussion

Pursuant to the Federal Travel Regulation (FTR), a government employee may submit a claim for reimbursement of expenses incurred in connection with the purchase of a home if settlement occurs no later than one year after the date that the employee reports to the new duty station. 41 CFR 302-11.21 (2024) (FTR 302-11.21). The agency may extend this time limitation up to one additional year if it determines that the extension is required for reasons beyond the employee's control and acceptable to the agency. FTR 302-11.22.

Consistent with the FTR and also applicable in this case, the Joint Travel Regulations (JTR) permit a civilian employee of the Department of Defense to recover costs for certain expenses incurred during the purchase of a home at a new duty station. JTR 054501-B. The JTR also requires that the settlement occur within one year and permits an extension of one year "only if extenuating circumstance[s] prevented the civilian employee from completing the [purchase] transactions within the initial 1-year period and that the delayed transactions are reasonably related to the PCS." *Id.*

The Board consistently has held that the decision to extend this time limitation falls under an agency's broad discretion, *Heather B.*, CBCA 8229-RELO, 25-1 BCA ¶ 38,733, at 188,305, and shall not be disturbed unless it is found to be arbitrary, capricious, or clearly erroneous. *Michael J. Jenkins*, CBCA 6250-RELO, 18-1 BCA ¶ 37,186, at 180,999. The Board will not question the agency's exercise of discretion so long as the agency had a reasonable basis for its determination. *Jennifer A. Miller*, CBCA 5625-RELO, 17-1 BCA ¶ 36,806, at 179,389.

The agency denied the request for an extension because it found that claimant did not undertake the search for a home until two months before the end of the one-year period. Claimant does not dispute this assertion. The agency considered the health issues that claimant described in his request for further review but determined that this explanation did not change the fact that claimant waited until near the end of the one-year period to begin the search for a house. The agency reasonably acted within its discretion to find that, in the

circumstances here, there were no extenuating circumstances sufficient to support the request for an extension.

Decision

The claim is denied.

Marian E. Sullivan

MARIAN E. SULLIVAN

Board Judge