

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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October 24, 2000

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GSBCA 15371-RELO

In the Matter of MICHAEL BIRRIEL

Michael Birriel, APO Area Europe, Claimant.

Capt. Douglas M. Miller, Headquarters 2d Bomb Wing (ACC), Department of the Air Force, Barksdale Air Force Base, LA, appearing for Department of the Air Force.

**DANIELS**, Board Judge (Chairman).

In August 1998, the Department of the Air Force transferred Michael Birriel from Barksdale Air Force Base, Louisiana, to Lakenheath Air Base, United Kingdom. The agency issued to Mr. Birriel travel orders which authorized reimbursement of real estate expenses. Shortly thereafter, Mr. Birriel sold his residence in Louisiana and asked the Air Force to pay for the costs he incurred in making the sale. Although several Air Force officials agreed that the employee should be reimbursed, the agency ultimately refused to make payment on the ground that reimbursement is prohibited by statute. Mr. Birriel responds that he now understands the law, but believes that he should be paid nonetheless because he incurred a substantial loss due to an agency mistake. He concludes, "Someone should be held accountable."

Cases like this one occur much too frequently, and we agree with Mr. Birriel that they are most unfortunate. Agencies which transfer employees to overseas locations ought to make certain that authorizing officials and travel officers understand and explain the relocation benefits of employees who are sent abroad -- before, not after, employees incur expenses in moving. We have no authority to "hold accountable" officials who err in this regard, however. Whether the individuals who misled Mr. Birriel should be reprimanded or assigned to further training is a choice for the Air Force, not this Board. We can only determine the relevant law and apply it to the situation presented. On that score, very clearly, Mr. Birriel may not prevail. The Air Force's belief that statute precludes reimbursement is correct.

Our reasoning in this matter is explained in a decision issued earlier this month, Pamela A. Mackenzie, GSBCA 15328-RELO (Oct. 12, 2000). We refer the reader to that decision for further edification.

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STEPHEN M. DANIELS  
Board Judge