

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

November 2, 2000

GSBCA 15410-RELO

In the Matter of RAYMOND RUSSO

Raymond Russo, Plano, TX, Claimant.

Gregory J. Mullins, Deputy Division Counsel, Southwestern Division, Corps of Engineers, Department of the Army, Dallas, TX, appearing for the Department of the Army.

GOODMAN, Board Judge.

Claimant, Raymond Russo, is a civilian employee of the Department of the Army. He has requested that this Board review a decision of his agency denying his request for waiver of repayment of expenses erroneously paid to him.

On September 30, 1997, claimant received travel orders for a permanent change of station (PCS) from Dallas, Texas, to Fort Worth, Texas. In anticipation of his relocation, on February 18, 1998, he entered into a real estate listing agreement to put up his home for sale. On March 14, 1998, his relocation was canceled, and on March 20, 1998, claimant was advised he would be reimbursed for any expense he was liable for which he had incurred prior to the cancellation.

After claimant was advised that his relocation was canceled, he did not take his house off the market. On April 1, 1998, he received an offer of purchase which he accepted on April 10, 1998. He then purchased another house within the same city on March 31, 1999. He submitted a claim for reimbursement for all real estate expenses incurred, and the agency reimbursed him a total of \$22,247.92.

The agency has demanded repayment of \$6624.37, which, according to the agency, represents expenses the claimant did not become obligated to pay until after he received notification that his relocation would not take place. Claimant appealed this demand to the Defense Finance and Accounting Service (DFAS). DFAS rejected the appeal. Claimant then appealed DFAS's determination to the Defense Office of Hearings and Appeals (DOHA). DOHA also rejected claimant's position.

A claim of the United States against a person arising out of an erroneous payment of relocation expenses may be waived by the agency from which the claim arose. 5 U.S.C. § 5584 (Supp. IV 1998); Delegation from Director of the Office of Management and Budget

(Dec. 17, 1996). The Department of Defense has already exercised this authority. This Board has no jurisdiction to review the Department's determination.

Accordingly, we dismiss this case.

ALLAN H. GOODMAN
Board Judge