

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

April 10, 2001

GSBCA 15442-RELO

In the Matter of KRISTEN A. CAMPBELL

Kristen A. Campbell, Upper Marlboro, MD, Claimant.

Royce H. Davis, Chief, Affirmative Employment Section, Civilian Personnel Flight, Headquarters 375th Airlift Wing (AMC), Department of the Air Force, Scott Air Force Base, IL, appearing for Department of the Air Force.

HYATT, Board Judge.

Claimant, Kristen A. Campbell, transferred from Scott Air Force Base in Illinois to Bolling Air Force Base in Washington, D.C., in March 1997. She did not complete the sale of her house at the old duty station within the two-year period allowed by regulation. She requests review of the denial of her claim for real estate transaction expenses.

Ms. Campbell states that the two-year deadline was never brought to her attention by personnel involved in processing the paperwork for her transfer. In July 1997, claimant's spouse asked for a divorce. At about the same time, a potential buyer was located for the residence in Illinois. In light of the pending divorce, claimant and her spouse decided to enter into a two-year lease/purchase agreement with the prospective buyer. The closing date was to be in July 1999.

Claimant's separation agreement gave her the property in Illinois. The divorce was finalized in February 1999, at which time she received title to that property. For various reasons, the property in Illinois did not sell until September 2000. Thereafter, Ms. Campbell submitted her paperwork to the Air Force for reimbursement of the expenses incurred in connection with the sale of the residence in Illinois. The submission was returned with the statement that the submission had not been made within two years from the date the employee reported to the new permanent duty station (PDS) and thus her eligibility for recovery of real estate transaction expenses had expired.

Discussion

Ms. Campbell's reporting date to her new position at Bolling Air Force Base was

March 19, 1997. She completed the sale of her old residence on September 22, 2000, which is more than three years after the date of her permanent change of station (PCS).

Under the Federal Travel Regulation (FTR), reimbursement of real estate transaction expenses is available only if the settlement date of the sale or purchase of a residence occurs no later than two years after the date the employee reported for duty at the new official station, or three years after that date in the event a one-year extension of this limitation has been approved by the head of the agency (or a designee). 41 CFR 302-6.1(e) (1996). The Joint Travel Regulations (JTR), which govern relocations of civilian employees of the Defense Department, contain a similar provision. JTR C14000-B. Three years is the maximum time limit for recovery of these expenses. The Board has previously explained with respect to this rule that the FTR has the force and effect of law and is binding on agencies and tribunals. Consequently, "the three-year limit is invariable." Nanette O. Locke, GSBICA 15144-RELO, 00-1 BCA ¶ 30,706 (1999); accord Sara Handberry, GSBICA 15315-RELO, 00-2 BCA ¶ 31,055; John E. White, GSBICA 15215-RELO, 00-1 BCA ¶ 30,902.

Although claimant has a good reason for missing the three-year deadline applicable to recovery of real estate transaction expenses, neither the agency nor the Board has the authority to waive this requirement. Claimant cannot recover the expenses associated with the sale of her residence in Illinois.

CATHERINE B. HYATT
Board Judge