

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

July 5, 2002

GSBCA 15801-RELO

In the Matter of SYLVIA DE LUNA

Sylvia De Luna, Warner Robins Air Force Base, GA, Claimant.

Julie A. Jiru and Sara Achinger, Civil Law Division, Office of the Staff Judge Advocate, Brooks Air Force Base, TX, appearing for Department of the Air Force.

GOODMAN, Board Judge.

Claimant, Sylvia De Luna, is a civilian employee of the Air Force. She has requested this Board review the agency's denial of reimbursement for certain costs associated with the sale of her home in San Antonio, Texas, when she accomplished a permanent change of station move.

Factual Background

On December 15, 2000, claimant sold her residence at her old duty station and thereafter submitted a claim of \$4061 for reimbursement of expenses incurred in selling her home. The agency approved her claim in the amount of \$3430, denying reimbursement for \$631 paid by claimant as seller for owner's title insurance.

The Air Force denied Ms. De Luna's \$631 claim for reimbursement for owner's title insurance because her supporting documentation did not indicate that the owner's title insurance was a required prerequisite to financing or transfer, nor did it show that the cost of the policy is inseparable from the cost of other insurance required as a prerequisite to the financing or transfer of the property. Ms. De Luna claims that the Air Force materials she received stated that she would be reimbursed for her payment of owner's title insurance.

Discussion

The Joint Travel Regulations (JTR) provide that a federal employee may be reimbursed for a portion of the real estate expenses incurred in selling a home if the employee is transferred in the interest of the Government, and the expenses are attributable to the transfer.

In assessing whether expenditures for the owner's title insurance policy are reimbursable, the JTR requires that the insurance policy be a required prerequisite to financing or transfer of the property. Owner's title insurance may also be reimbursable to the seller if its cost is inseparable from the cost of other insurance that is a prerequisite to the financing or transfer of the property and if it is customarily paid by the seller. JTR C14002-A4a(9).

Ms. De Luna has submitted nothing to indicate that she falls within the parameters set forth by the JTR. Since it is the claimant's burden to show that costs are reimbursable, Paula K. Fowler, GSBCA 15384-RELO, 01-1 BCA ¶ 31,281, we conclude that the agency properly disallowed these costs.

Decision

The claim is denied.

ALLAN H. GOODMAN
Board Judge