

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

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April 11, 2003

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GSBCA 16054-RELO

In the Matter of LARRY MONEY

Larry Money, White Plains, MD, Claimant.

Vickie Smith, Supervisor, Travel Team, Bureau of Land Management National Business Center, Denver, CO, appearing for Department of the Interior.

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

The claimant and the agency relocation coordinator disagree as to which agency official may approve an extension of time in which a transferred employee may engage in real estate transactions whose costs are reimbursed by the agency. The claimant's reading of the agency manual is correct, but his expectation of additional time in which to engage in the transactions is not.

Background

On March 21, 2000, the Bureau of Land Management (BLM) authorized Larry Money, a computer specialist, to transfer from Lakewood, Colorado, to Washington, D.C. Mr. Money began work in the Office of the Chief Information Officer in Washington on April 23, 2000.

As an employee transferred in the interest of the Government, Mr. Money was entitled, subject to regulatory constraints, to reimbursement of the costs he might incur in selling his residence in Colorado and buying a residence in the Washington area. 5 U.S.C. § 5724a(d) (2000). BLM also permitted him to use the services of a relocation services contractor in making these real estate transactions, instead of selling and buying on his own. See id. § 5724a(d)(8); 41 CFR 302-12.102 (2000). Under the Federal Travel Regulation (FTR), the Government is obligated to pay for the expenses of these transactions only if settlement occurs "not later than 2 years after the date that the employee reported for duty at the new official station." 41 CFR 302-6.1(e)(1). The FTR also states, "Upon an employee's written request, the 2-year time limitation for completion of the sale and purchase . . .

transactions may be extended by the head of the agency or his/her designee for an additional period of time not to exceed 1 year." Id. 302-6.1(e)(2).<sup>1</sup>

After Mr. Money moved to Washington, his wife required considerable medical attention. Mr. Money says that he spent much time he might otherwise have devoted to selling and buying residences caring for his wife. In February 2002, he asked BLM's relocation coordinator which agency official had been designated to consider requests for an extension of time in which to sell and buy residences and have transaction expenses paid by the Government. The coordinator informed him that the appropriate official was the Assistant Director of Business and Fiscal Resources (WO-800), who was then Robert Doyle. Mr. Money asked Mr. Doyle for a one-year extension of time in which to use the services of a relocation services contractor. On April 3, 2002, Mr. Doyle granted a thirty-day extension.

By the time the extension was granted, Mr. Money had soured on the help provided by the relocation services contractor. He wished to sell his old residence and buy a new one on his own, and he wanted sufficient time in which to do so. He also began to question whether Mr. Doyle was really the appropriate official to pass on requests for extensions of time, so he read for himself the Bureau of Land Management Change of Station Handbook: A Guide for the Use of Transferees. According to this handbook, as to residence transactions, "The State Director of the gaining office may authorize an extension of time, not to exceed one additional year." BLM Manual Suppl. H-1382-1, ch. X, § A (July 1, 1998).

After reading this provision, Mr. Money concluded that BLM's Chief Information Officer (WO-500) – the man for whom Mr. Money worked – was the appropriate official for authorizing an extension of time of eligibility for receipt of reimbursement of real estate transaction expenses. On April 25, 2002, Mr. Money asked the then-Chief Information Officer, Hord Tipton, for a one-year extension. On May 16, 2002, Mr. Tipton granted this request.

BLM's relocation coordinator, speaking for the agency, does not recognize Mr. Tipton's approval as binding. She believes that because Mr. Money's move was funded by Bureau-wide funds, which are controlled by the Office of Business and Fiscal Resources, the approving authority is held by the head of that office – then Mr. Doyle.

Mr. Money originally believed that because Mr. Doyle granted a one-month extension of the two-year period of eligibility for reimbursement, and Mr. Tipton granted a one-year extension, he might sell and buy residences until three years and one month after his arrival in Washington – until May 24, 2003. Mr. Money now says that because determining whether Mr. Tipton's approval was valid has consumed so much time, the Board should extend the deadline for eligibility for reimbursement until one year after the date of our decision. The relocation coordinator believes that because Mr. Doyle's action was the only valid approval, Mr. Money's eligibility for reimbursement expired on the date two years and one month after his arrival in Washington – on May 23, 2002.

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<sup>1</sup>For employees who reported for duty at a new official station on or after February 19, 2002, the agency may extend the two-year limitation for up to two additional years. 41 CFR 302-11.22 (2002).

### Discussion

The relocation coordinator believes that the BLM official who controls relocation funds also has the authority to approve requests for extensions of time in which a transferred employee may be eligible for reimbursement of real estate transaction expenses. This assignment of responsibility is perfectly reasonable, so it is one which BLM could sensibly have made. There is only one problem with the coordinator's insistence that the official with the funds also has the authority to approve these extensions: it is not the assignment which the agency has made.

The FTR leaves to the head of each agency the right to designate which official will have the power to extend the eligibility period. The BLM Change of Station Handbook – the only agency document which either the claimant or the agency has cited to us – clearly states that this authority has been designated to "[t]he State Director of the gaining office." Because Mr. Money works in a part of the agency which has no State Director, it is necessary to determine which official is analogous to a State Director for the purpose of exercising this authority.

As to Mr. Money, that official cannot be anyone, such as Mr. Doyle, associated with the Office of Business and Fiscal Resources (WO-800), for Mr. Money does not work in that office. As the claimant points out, the Change of Station Handbook specifically gives the "Deputy Director (WO-800)" the power to consider and approve requests for extensions of time for another purpose – eligibility for temporary quarters subsistence expenses in excess of sixty days. BLM Manual Suppl. H-1382-1, ch. V, §§ F, G. If an individual within WO-800 were to be given the power to consider and approve requests for extensions of time for eligibility for reimbursement of real estate transaction expenses, that could have been done, too – but it was not. Further, in issuing Instruction Memorandum No. 2001-046 on December 7, 2000, to "clarif[y] which organization grants approvals for relocation extensions and expenses," BLM did not specify that WO-800 had any responsibility as to real estate transaction expenses. Also as Mr. Money observes, the fact that Bureau-wide funds were used for his relocation is unremarkable: these funds are used for the relocation of all BLM employees who are, like him, above a certain pay grade. This fact cannot serve to amend the designations reflected in the Change of Station Handbook.

We agree with Mr. Money that the only reasonable interpretation of the Handbook's statement of designation of which official may extend the period of eligibility for reimbursement of real estate transaction expenses is that where a gaining office has no State Director, the designated official is the head of the gaining office itself. That person, as to Mr. Money, was the Chief Information Officer, Mr. Tipton. Thus, Mr. Tipton's grant of an extension of time of eligibility was valid. Contrary to the relocation coordinator's belief, Mr. Doyle's grant was not valid because he did not have any authority to approve the request of Mr. Money, who did not work in his office.

Although the claimant has correctly understood who may extend the period of his eligibility, he is unduly optimistic as to the duration of that period, as extended. The FTR does not allow an extension to last longer than one year from the date two years after the employee reported for duty at the new official station. Thus, if an employee wishes to be reimbursed for expenses he incurs in selling his residence at his old station and/or buying a

home at his new station, he must complete those transactions within three years of reporting for duty at the new station, even if the maximum extension is allowed by the agency. The Board has no authority to violate this rule by tolling the running of time while approval of a request for an extension is in dispute. Stephanie P. Riddle, GSBCA 15027-RELO, 99-2 BCA ¶ 30,533. Mr. Money's period of eligibility, as extended by Mr. Tipton, expires on April 23, 2003.

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STEPHEN M. DANIELS  
Board Judge