

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

May 17, 2005

GSBCA 16616-RELO

In the Matter of ALECIA B. SCALLY

Alecia B. Scally, Salisbury, NC, Claimant.

Randy Keuten, Supervisor, Travel Section, Financial Services Center, Department of Veterans Affairs, Austin, TX, appearing for Department of Veterans Affairs.

DeGRAFF, Board Judge.

In October 2004, Alecia Scally transferred to a new duty station and sold her house at her old duty station. The Department of Veterans Affairs (DVA) reimbursed most of the real estate transaction expenses Ms. Scally incurred in connection with the sale. DVA did not, however, reimburse Ms. Scally the entire \$19,494 she claimed for a real estate commission. Instead, DVA decided to reimburse only \$18,494 because the settlement statement shows Ms. Scally paid this amount in commission at settlement. Ms. Scally believes she is due an additional \$1000 and asks us to review DVA's decision.

As the agency recognizes, a real estate commission is a reimbursable expense provided, among other things, it is paid by the transferred employee. 41 CFR 302-11.200(a) (2003). Apparently, DVA believes Ms. Scally paid only \$18,494 in commission. We disagree.

The buyers of Ms. Scally's house made two payments in connection with the purchase. First, when they signed the purchase contract, they paid a \$1000 deposit. Second, at settlement, they paid the balance of the purchase price to close the transaction. The settlement statement shows at closing Ms. Scally's real estate broker retained all of the \$1000

deposit as part of its commission and retained \$18,494 from the settlement funds as the remainder of its commission. The \$1000 and the \$18,494 were both paid by Ms. Scally from funds she received from the sale of her house. Although the funds used to pay these amounts were originally the purchaser's funds, all of the funds belonged to Ms. Scally when the transaction closed and whatever was retained by the real estate broker as its commission was paid by her from her funds.

The claim is granted. Ms. Scally is entitled to be reimbursed an additional \$1000 for her real estate sales transaction expenses.

MARTHA H. DeGRAFF
Board Judge