

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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June 29, 2005

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GSBCA 16636-RELO

In the Matter of VAN H. BRASS, II

Van H. Brass, II, Fort Myers, FL, Claimant.

Laura MacKenzie, Acting Administrator, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, Department of Agriculture, Washington, DC, appearing for Department of Agriculture.

**GOODMAN**, Board Judge.

The United States Department of Agriculture has requested that this Board determine whether claimant is eligible to receive reimbursement of expenses associated with a new appointee reporting for duty at a first duty station or those associated with a transferred employee's permanent change of station (PCS).

The Student Education Employment Program (SEEP) provides federal employment opportunities to students who are enrolled or accepted for enrollment as degree-seeking students in an accredited high school, technical, vocational, two or four year college or university, graduate, or professional school. The Student Careers Experience Program (SCEP) is a component of the SEEP and provides work experience which is directly related to the student's academic program and career goals. 5 CFR 213.3202 (2003).

Students receiving appointments in the SCEP are classified as "student trainees." 5 CFR 213.3202(b)(14). Student trainees are paid by either the General Schedule or Federal Wage Schedule and accrue annual and sick leave. *Id.* 213.3202(b)(14), (16). Appointments of participants in the SCEP who have met all requirements of the program may be

noncompetitively converted to term, career, or career-conditional appointments following completion of their academic and work experience requirements. *Id.* 213.3202(b)(10)(ii).

In June 1999, claimant, a student at Southern University in Baton Rouge, Louisiana, became a candidate in the SEEP. In April 2000, claimant became a student trainee in the SCEP. When claimant graduated in December 2003, the agency converted his appointment as a student trainee to a full-time position as an animal health technician in Fort Myers, Florida.

An agency certifying official disallowed payment of claimant's expenses as a PCS move from his residence in Monroe, Louisiana, to Fort Myers, Florida. The certifying official determined that claimant was a "new appointee" as defined by the following provision of the Federal Travel Regulation (FTR):

§302-3.1 Who is a new appointee?

A new appointee is:

- (a) An individual who is employed with the Federal Government for the very first time . . . ;
- (b) An employee who is returning to the Government after a break in service (except an employee separated as a result of reduction in force or transfer of functions and is re-employed within one year after such action); or
- (c) A student trainee assigned to the Government upon completion of his/her college work.

41 CFR 302-3.1 (2003).

The agency states:

The agency does not agree with the certifying officer's decision. We believe that claimant is not a new appointee because his employment with the agency began on April 23, 2000 when he was selected into the SCEP, therefore establishing him as a federal employee.

The agency has requested on claimant's behalf that we review the decision of the certifying official.

The certifying official's determination was correct. The regulations governing the SCEP classify those appointed to the program as "student trainees." For purposes of determining entitlement to relocation benefits, the FTR states that "a student trainee assigned to the Government upon completion of his/her college work" is a "new appointee." Claimant's move from his residence to Fort Myers, Florida, as a full-time employee was the result of the his being assigned to the Government upon completion of his college work. He is therefore only entitled to relocation benefits as a new appointee.

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Decision

The claim is denied.

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ALLAN H. GOODMAN  
Board Judge