UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 16, 2015

CBCA 3526-RELO

In the Matter of EZRA R. SAFDIE

Ezra R. Safdie, Potomac, MD, Claimant.

Cheryl Holman, Chief, PCS Travel Section, Department of Veterans Affairs, Austin, TX, appearing for Department of Veterans Affairs.

McCANN, Board Judge.

On April 10, 2014, we ruled against claimant on all three of the matters he presented to us with regard to relocation benefits. We held that claimant could not recover temporary quarters subsistence expenses (TQSE) under the actual expense method because he had elected the fixed amount method – even after having been afforded an opportunity to change his election after the agency confessed that it had requested an initial election based on incorrect agency-provided information. We also held that the agency was not responsible for charges made by the company which stored claimant's household goods after the period of agency responsibility for storage charges had expired. Finally, we decided that the agency was not responsible for the cost of a demountable storage shed which claimant sold to the buyer of his former residence as part of the real property transaction.

Claimant has asked the Board to reconsider its decision, primarily on the ground that the Board is biased against him. The contention of bias is premised in large part on the fact that many of the statements in the Board's decision parallel statements made by the agency in its response to the claim. To the extent that our decision contains statements which mirror statements made by the agency, it is because we found the agency's exposition of facts well phrased and its reasoning correct.

The contention is also based on claimant's surmise that the Board engaged in ex parte communications, presumably with the agency but perhaps with the relocation services contractor. The Board did not engage in any ex parte communications with regard to this case.

Additionally, claimant maintains that bias is shown by the Board having permitted the agency to ignore its own Relocation Expenses and Guaranteed Home Buyout Policy. Claimant also contends that the storage company made charges which violated "the Federal Trade Commission Act, Section 5, Unfair or Deceptive Acts or Practices," and that the agency should be responsible for those charges because it selected the company to store claimant's goods. These allegations will not be considered because they are presented for the first time on reconsideration. *Golden Bridge Technology, Inc. v. Apple, Inc.*, 758 F.3d 1362, 1369 (Fed. Cir. 2014).

Contrary to the assertions of claimant, the Board issued its decision and reached its conclusions based on the factual record developed in the proceeding and the applicable law. Claimant has submitted nothing that persuades us that anything in that decision is incorrect. Consequently, his motion is denied.

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R. ANTHONY McCANN
Board Judge