



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 9, 2018

CBCA 6003-RELO

In the Matter of RITA L. HARVEY

Rita L. Harvey, Jackson, MS, Claimant.

Larry R. Booker, Chief, PCS Travel Division, Financial Services Center, Department of Veterans Affairs, Austin, TX, appearing for Department of Veterans Affairs.

SHERIDAN, Board Judge.

Claimant, Rita L. Harvey, an employee of the Department of Veterans Affairs (VA), seeks the Board's review of the agency's denial of her request for a ninety-day extension of household goods (HHG) storage. The VA found no circumstances that justified a time extension and denied the request. We conclude that the agency reasonably exercised its discretion.

Background

Claimant, a physician with the VA, relocated from Tuskegee, Alabama, to Jackson, Mississippi, in April 2017. Her travel orders entitled her to sixty days of temporary HHG storage. On January 8, 2018, claimant submitted a written request for a ninety-day extension of HHG storage. In this request, she noted (1) that the home she purchased needed foundation repairs before furniture could be moved in, and she was living in an apartment in the interim; (2) that she had to care for her mother, who had dementia; and (3) the impact of her father's death in March 2017. The agency denied this request on the grounds that none of the reasons listed in the Federal Travel Regulation (FTR) applied to claimant's situation.

Discussion

Federal employees are entitled to certain relocation benefits, including temporary storage of HHG. 41 CFR 302-7.1 (2017). The FTR allows up to sixty days of temporary HHG storage for employees relocating within the continental United States. *Id.* 302-7.9(a). Employees may submit a written request for an extension of this storage period not to exceed 150 days. *Id.* The FTR provides reasons that would justify additional storage time, which include, but are not limited to:

- (a) An intervening temporary duty or long-term training assignment;
- (b) Non-availability of suitable housing;
- (c) Completion of residence under construction;
- (d) Serious illness of employee or illness or death of a dependent; or
- (e) Strikes, acts of God, or other circumstances beyond the control of the employee.

Id. 302-7.10.

This Board has held that “when regulations vest discretion in an agency with respect to the authorization of particular relocation expenses, the agency’s judgment will not be disturbed unless the determination is arbitrary, capricious, or clearly erroneous.” *William F. Brooks, Jr.*, CBCA 2595-RELO, 12-2 BCA ¶ 35,064, at 172,238 (citations omitted). This Board follows the precedent of its predecessor in deciding these matters, the General Services Board of Contract Appeals, which also held that “an extension of the normal . . . period of authorized temporary storage is readily justifiable when actual event or circumstance over which a claimant has *virtually no control* necessitates continuation of the temporary storage.” *Paula K. Fowler*, GSBCA 15670-RELO, 02-2 BCA ¶ 31,861, at 157,445 (emphasis added), *cited in Michael R. Lujan*, CBCA 4613-RELO, 15-1 BCA ¶ 36,096, at 176,236.

The agency did not abuse its discretion in denying claimant’s request pursuant to the regulations. While claimant’s home needed repairs, the decision to purchase a home in need of repairs rather than one that could accommodate HHG was well within her control. Further, claimant’s rented apartment is considered suitable housing. Moreover, the agency noted in its reasoning for the denial that claimant’s mother was not listed as a dependent on her travel orders; thus, her illness could not justify an extension of storage. Finally, although it appears that the agency did not consider claimant’s father’s death, this similarly would not have justified an extension because he was also not listed as a dependent on claimant’s travel orders. Accordingly, the agency’s denial of claimant’s extension request was neither arbitrary, capricious, nor clearly erroneous.

Decision

For the foregoing reasons, the claim is denied.

Patricia J. Sheridan
PATRICIA J. SHERIDAN
Board Judge