

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

September 28, 2001

GSBCA 15663-RELO

In the Matter of ROBERT G. JENNINGS

Robert G. Jennings, Las Vegas, NV, Claimant.

Charles N. Stockwell, Travel and Vendor Pay Division, Defense Finance and Accounting Service, Denver, CO, appearing for Department of Defense.

DeGRAFF, Board Judge.

In 1999, the Department of Defense (DoD) transferred Robert G. Jennings from one permanent duty station to another. In connection with the transfer, DoD made various reimbursements and payments to Mr. Jennings that increased his taxable income. DoD paid Mr. Jennings a withholding tax allowance and a relocation income tax allowance to compensate him in part for the income taxes he incurred due to the increase in his taxable income. When DoD calculated Mr. Jennings's relocation income tax allowance, it decided not to include his military pension payments as earned income. Mr. Jennings asks us to review DoD's decision.

The facts presented by this claim are, in all material respects, identical to those presented in Marion D. Taylor, GSBCA 15500-RELO (Aug. 14, 2001), and we refer the reader to our opinion there for a full explanation of the relevant statutes and regulations. We concluded in Taylor that DoD should include military pension payments as earned income when it calculates a transferred employee's relocation income tax allowance, even though such payments are reported on an IRS Form 1099. As we said in Brent A. Myers, GSBCA 15466-RELO (May 9, 2001), all of our travel and relocation claims decisions are published and precedential. Applying the precedent set in Taylor to Mr. Jennings's claim, we conclude that DoD should include his military pension payments as earned income when it calculates his relocation income tax allowance.

The claim is granted.

MARTHA H. DeGRAFF
Board Judge