

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

October 8, 2002

GSBCA 15886-RELO

In the Matter of ALFRED A. DAVIS

Alfred A. Davis, Leesburg, VA, Claimant.

Cindy Osif, Supervisor/Certifying Officer, Travel/Employee Relocation, National Business Center, Products and Services, Department of the Interior, Denver, CO, appearing for Department of the Interior.

GOODMAN, Board Judge.

Claimant, Alfred A. Davis, is an employee of the Department of the Interior. He has requested that this Board review the agency's denial of reimbursement of certain costs associated with the settlement of an unexpired lease at his old duty station incident to his permanent change of station (PCS) move.

Factual Summary

On May 24, 2001, claimant executed a lease for an apartment at his old duty station in Colorado for a term of six months, with rent of \$750 per month, beginning June 1, 2001 and ending on November 30, 2001. On May 25, 2001, claimant was notified by his agency that he had been selected for a position at a duty station in Reston, Virginia. By letter dated June 11, 2001, the agency notified the claimant that the effective date of transfer would be July 1, 2001, and that he was required to report to the new duty station on July 9, 2001. By letter dated June 26, 2001, the agency notified claimant that, as the result of a delay with the "paperwork" associated with his transfer, the effective date had been changed from July 1 to July 15, 2001, and that he was required to report to the new duty station on July 23, 2001. According to claimant, he began his travel to the new duty station on July 16, 2001, and paid the full month's rent for July in the amount of \$750.

Claimant requested reimbursement of the July rent, claiming that the agency delay in processing his transfer caused him to incur the expense for that month's rent. The agency reimbursed claimant \$375, which it states represents the rent for July 16-31, after claimant vacated the apartment. The agency denied reimbursement of the rent for July 1-15 in the

amount of \$375, stating that such rent was "simply part of employee's normal living expenses, during which he had the use of the apartment he had been residing in." ¹

Claimant has asked this Board to review the agency's determination not to reimburse him for the rent for the first half of July, when he occupied the apartment.

Discussion

The Government is required to reimburse a transferred employee for certain expenses incurred in connection with the settlement of an unexpired lease at the old duty station. 41 CFR 302-6.1 (2001). Claimant seeks reimbursement of rent which he claims he would not have incurred but for the agency's delay in processing his transfer. While the agency's letter of June 26, 2001, extended claimant's effective date of transfer and report date at his new duty station for two weeks, as the result of a delay in processing his transfer, the agency was not obligated to process the transfer in a specific time frame.

We have held that an employee is not entitled to reimbursement for rent paid for time during which he was occupying his permanent residence at the old duty station. The rent expended on the unexpired portion of the lease after vacating may be reimbursed under the regulations. Paul S. Sayah, GSBCA 14356-RELO, 98-1 BCA ¶ 29,595. Accordingly, the agency properly denied reimbursement of the rent for the first half of July, while claimant occupied the apartment, and properly reimbursed claimant the rent expended for the last half of July, after claimant vacated the apartment.

¹ The agency has supplied the Board with a copy of claimant's lease and a copy of the receipt for the July rent. Apparently the landlord did not assess any additional penalty from claimant for terminating the lease after only two months.

Decision

The claim is denied.

ALLAN H. GOODMAN
Board Judge