

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

February 10, 2006

GSBCA 16766-RELO

In the Matter of HUBERT T. COLLINS

Hubert T. Collins, Antioch, TN, Claimant.

Susan Symonds, Branch Chief for Travel and Relocation, CFO Accounting Center, Department of Housing and Urban Development, Fort Worth, TX, appearing for Department of Housing and Urban Development.

PARKER, Board Judge.

Hubert Collins, an employee of the Department of Housing and Urban Development (HUD), was transferred from Indianapolis, Indiana, to Nashville, Tennessee, in December 2001. After several extensions of time, Mr. Collins had until December 2, 2005, to purchase a house in Nashville and be reimbursed for real estate expenses incurred in connection with the purchase.

In 2003, Mr. Collins divorced his wife, Wandorer, and married his present wife, Roslyn Collins. In January 2005, Roslyn Collins purchased a house in the Nashville area and the couple moved in.

HUD denied Mr. Collins' claim for reimbursement of the real estate expenses incurred in connection with the purchase because Mr. Collins' name did not appear in any of the settlement documents and, although Roslyn Collins was his wife at the time of purchase, they were not married at the time he reported for duty in Nashville. Mr. Collins maintains that his name is on the title to the property but argues that, even if it is not, he is entitled to reimbursement.

Inexplicably, neither party included the settlement papers or title documents in its submission to the Board. Because we lack the information necessary to determine Mr. Collins' entitlement, we return this matter to the agency for further review under the following guidelines.

Pursuant to the Federal Travel Regulation (FTR), employees such as Mr. Collins who are transferred from one duty station to another are entitled to reimbursement of the expenses required to be paid in connection with the sale of a residence at the old duty station and the purchase of a dwelling at the new duty station. 41 CFR 302-6.1 (2001). To be eligible for reimbursement, however:

The title to the residence or dwelling at the old or new duty station . . . is in the name of the employee alone, or in the joint names of the employee and one or more members of his/her immediate family, or solely in the name of one or more members of his/her immediate family.

Id. 302-6.1(c).¹

Perhaps unfortunately for Mr. Collins, the FTR defines the term "immediate family" to include a spouse only when that person is a member of the employee's household "at the time he/she reports for duty at the new permanent duty station . . ." 41 CFR 302-1.4(f). This means that because Roslyn Collins was not Mr. Collins' spouse at the time he reported for duty at his new duty station, she was not included within the definition of "immediate family." Accordingly, if she acquired title to the residence without Mr. Collins, he would not meet the FTR title requirements for real estate expense reimbursement eligibility.

The agency should carefully review the title documents to determine whether Mr. Collins acquired at least joint title to the residence at the time of purchase. If he did, the agency should reimburse Mr. Collins in accordance with 41 CFR 302-6.1(f). If not, Mr. Collins is not eligible for reimbursement, and the agency may not pay the claim.

ROBERT W. PARKER
Board Judge

¹There are provisions of the FTR under which an employee is deemed to hold "equitable title" but none are relevant to this case. *See* 41 CFR 302-6.1(c)(2), (3).