



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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February 28, 2011

CBCA 2155-RELO

In the Matter of KRISTIN L. LOER

Kristin L. Loer, Kansas City, MO, Claimant.

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

**STERN**, Board Judge.

Claimant asks the Board to review the denial by the Department of Veterans Affairs (VA) of her claim for reimbursement of expenses she incurred as a result of her relocation in connection with a permanent change of station (PCS).

Background

On May 6, 2010, the VA issued a travel authorization for the transfer of claimant from Indianapolis, Indiana, to Kansas City, Missouri. At the time, claimant occupied a residence in Indiana under the following arrangement.

By land installment contract dated October 3, 2008, claimant agreed to purchase, and seller agreed to sell to her, the Indiana residence for \$100,000. The contract provided that claimant was to make a \$3000 down payment, followed by twenty-four monthly payments of \$900.38, and a final payment of \$96,012 at the conclusion of the twenty-four month period. The title to the property was to be conveyed to claimant upon making all payments as set forth in the contract. Under the contract, claimant obtained possession of the property on October 15, 2008. Thus, claimant occupied the premises pending transfer of title.

Upon notice of her transfer to Kansas City, claimant, on May 3, 2010, executed a release from the contract with the seller, by which claimant paid the seller \$5012, which represented the remaining monthly payments due under the contract. Claimant seeks reimbursement of this amount, claiming that she is entitled to payment under the regulations and that she was informed by the VA that she would be entitled to be reimbursed the expenses associated with breaking a lease.

### Discussion

An employee who is transferred by an agency from one permanent duty station to another is entitled to reimbursement of certain relocation expenses as provided in the statutes and regulations. Expenses associated with the sale of an employee's residence are reimbursable only if the employee (or immediate family member) possesses title to the property. 41 CFR 302-11.6, -11.101 (2010). Claimant did not hold title to and did not sell the property. Accordingly, claimant does not qualify for reimbursement of her expenses on this basis.

The regulations also permit reimbursement of expenses associated with the settlement of an unexpired lease. 41 CFR 302-11.6. However, the transaction to which claimant was a party did not involve a lease; rather, it was a land installment contract. The costs of her settlement with the landlord were not costs associated with the settlement of an unexpired lease. Thus, claimant does not qualify for reimbursement under this provision of the regulations.

The statutes and regulations provide no basis for the reimbursement of the expenses associated with claimant's release from her land installment contract. *See Beth A. Wilson*, CBCA 600-RELO, 07-1 BCA ¶ 33,546.

Finally, claimant submits that she received incorrect advice regarding reimbursement of the expenses associated with cancellation of her contract. Even if true, this provides no basis for recovery of these costs. We have stated that erroneous advice by government employees forms no basis for us to grant relief to a claimant. It is well-established that the Government is not bound by the erroneous advice of its officials. Only the expenses that are authorized by statute and regulations may be reimbursed. *Terry L. Patrick*, CBCA 1200-RELO, 08-2 BCA ¶ 33,978; *Bruce Bryant*, CBCA 901-RELO,08-1 BCA ¶ 33,737 (2007); *Flordeliza Velasco-Walden*, CBCA 740-RELO, 07-2 BCA ¶ 33,634, and cases cited therein.

Decision

The claim is denied.

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JAMES L. STERN  
Board Judge