



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

September 9, 2009

CBCA 1585-RELO

In the Matter of MICHAEL TAGLE

Michael Tagle, Barling, AR, Claimant.

Lois A. Jessup, Acting Director, Office of Financial Policy, Department of Energy, Washington, DC, appearing for Department of Energy.

STEEL, Board Judge.

On May 14, 2009, the Board received a claim from Michael Tagle, claimant, regarding the sale of his home arising from his 2007 permanent change of duty station from Amarillo, Texas, to Fort Smith, Arkansas.

On November 15, 2007, the Department of Energy (DOE) placed an order with DOE's relocation services contractor, Cartus Corporation (Cartus), under DOE Contract No. DE-AB01-06CF50010, for a guaranteed home purchase for Mr. Tagle, based on his representation that he owned a single-family home. When Cartus received appraisals of Mr. Tagle's home, it became apparent that the home is a double-wide manufactured home with mobile home as the "architectural style." Cartus confirmed that the home contained HUD 1 stickers/plates, which are only designated for mobile/manufactured homes. Based on the Cartus contract statement of work, such mobile/manufactured homes are not eligible for home sale services. DOE and Cartus informed Mr. Tagle that his home was not eligible for the home sale program since it was a mobile/manufactured home. At that time, he was told that he was eligible to sell his home on his own and receive reimbursement for expenses.

The claimant disputes the determination by the Government that his modular home did not qualify for sale by DOE's relocation services contractor. However, DOE relied upon the same provision in the same Cartus contract for relocation services (mobile/manufactured homes are not eligible for home sale services) as it did in the case of *William C. Gentile*, CBCA 1091-RELO, 08-2 BCA ¶ 33,904, to determine that the home was not eligible for sale by Cartus. Further, the Federal Travel Regulation, 41 CFR 302.3.101 (2007), states that the

agency, in its discretion, may determine if an employee may use a relocation service company.

In this case, the contract dictates that the agency cannot authorize mobile/manufactured homes to be sold through the relocation services company. The claimant's objections to state or federal definitions of mobile and manufactured homes, regulations, and relocation contract limitations, and any reliance upon assurances that his home could be sold through the relocation services program do not alter the outcome. Relocation services were not available for the sale of his home. *Daniel R. Elliott, CBCA 1254-RELO, 08-2 BCA ¶ 33,964; Gentile.*

The Board upholds the determination by the agency and denies the claim.

CANDIDA S. STEEL
Board Judge