



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 1, 2007

CBCA 782-RELO

In the Matter of LARRY D. LEWIS

Larry D. Lewis, Colorado Springs, CO, Claimant.

Lt. Col. David L. Holt, Director, Joint Personal Property Shipping Office, Department of the Air Force, Colorado Springs, CO, appearing for Department of the Air Force.

GOODMAN, Board Judge.

Claimant is an employee of the United States Air Force. He has asked this Board to review the agency's denial to reimburse him for certain costs he incurred during a permanent change of station (PCS) move.

Factual Background

Claimant was offered and accepted a position at the United States Air Force Academy in Colorado. He was informed that since he was a current federal employee, full PCS moving expenses would be authorized. He was issued travel orders dated June 2, 2005, with a report date at his new duty station of July 5, 2005, that authorized a shipment of household goods (HHG) from his Illinois residence by government bill of lading (GBL). Claimant states:

I . . . questioned the orders showing GBL, since I had selected SELF-MOVE and commuted rate had not been checked, I was told that GBL was always listed and that gave me that option if I decided not [to] move all the HHG myself.

Claimant proceeded to move his HHG himself. He submitted a travel voucher to the Air Force Academy, claiming a total of \$8264.60 that he incurred to move his HHG--a vehicle dolly to tow a vehicle loaded with HHG (\$107.02), gasoline (\$2861.71), tolls (\$33.25), weighing of vehicles (\$70), the purchase of trailering equipment (\$62.88), a trailer (\$4,250), trailer registration (\$238.53), oil, (\$78.17), and miscellaneous vehicle expenses (\$608.04).

The agency denied his claim for the expenses submitted, stating that claimant was not authorized for reimbursement of a self-move, but only entitled to reimbursement of actual expenses as authorized in his travel orders. Claimant sought review of the agency's determination from this Board. In response to an inquiry from the Board, the agency responded that it had no documentation or indication that the agency had made a cost comparison between the actual expense and commuted rate methods before claimant's travel orders were issued.

Discussion

The Federal Travel Regulation (FTR) authorizes agencies to use one of two methods for transporting an employee's HHG. Under the "commuted rate system," the employee makes his own arrangements for transporting HHG and is reimbursed by the Government in accordance with schedules of commuted rates set by the General Services Administration. The amount paid to the employee is computed by multiplying the weight of the household goods (up to a maximum) by the applicable rate. 41 CFR 302-7.13(a) (2004). Under the second method, the "actual expense method," the Government normally assumes complete responsibility for shipping the goods and does so under a government bill of lading. *Id.* 302-7.13(b). The Government is to use the commuted rate system unless a cost comparison shows that the actual expense method would be cheaper. *Id.* 302-7.301(a). The requirement for a cost comparison is reiterated in the Joint Travel Regulations (JTR), which are applicable to civilian employees of the Department of Defense. If a cost comparison is not made before the travel orders are issued, the commuted rate method applies. JTR C5160-H; *see, eg., Steven J. Coker*, GSBCA 15489-RELO, 02-1 BCA ¶ 31,743 (2001); *Pamela S. Maanum*, GSBCA 15654-RELO, 02-1 BCA ¶ 31,696 (2001); *Lawrence M. Ribakoff*, GSBCA 13892-RELO, 97-2 BCA ¶ 29,018.

The agency has acknowledged that there is no evidence that it made the required cost comparison before issuing claimant travel orders. The only other permissible basis for reimbursement for transportation of claimant's HHG is the commuted rate system.

Decision

Claimant is entitled to reimbursement pursuant to the commuted rate system. The agency should calculate his entitlement and reimburse him accordingly. The specific costs that claimant incurred, and for which he seeks reimbursement, are not relevant to this calculation.

ALLAN H. GOODMAN
Board Judge