



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 19, 2007

CBCA 515-RELO

In the Matter of DANNY DEAN BUTRICK

Danny Dean Butrick, Dugway, UT, Claimant.

Judy Hughes, Standards and Compliance, Finance Mission Area-Travel Pay, Defense Finance and Accounting Service, Columbus, OH, appearing for Department of Defense.

GOODMAN, Board Judge.

Claimant is a civilian employee of the Department of the Army. We review an agency determination that he is not entitled to certain expenses incurred during a permanent change of station (PCS) move.¹

¹ Under 31 U.S.C. § 3529 (2000), a disbursing or certifying official of an agency, or the head of an agency, may request a decision from the Board regarding a claim which involves expenses incurred by a federal civilian employee for official travel and transportation, or for relocation expenses incident to a transfer of official duty station. A decision rendered in response to such a request is sometimes called an “advance decision.” In this instance, a disbursing official of the Department of the Army at the employee’s new duty station has asked the Board for an “advance decision” with regard to a claim for reimbursement of certain relocation costs incurred during a permanent change of station (PCS) move, as this official believes claimant is entitled to reimbursement. In actuality, this is not a request for an advance decision, as the agency’s Defense Finance and Accounting Service (DFAS) has issued a determination which does not authorize the disbursing official at the new duty station to make payment of most of the amount to which the disbursing official believes the claimant is entitled.

Factual Background

Claimant was issued PCS orders to transfer from Patrick Air Force Base, Florida, to the United States Army Dugway Proving Ground, Utah, and report to duty on July 3, 2006. He requested that he be granted transportation allowances to move his mobile home in lieu of allowances for moving his household goods (HHG), as his mobile home was his primary residence at the old and new duty stations. Allowances to move his mobile home were included in funding his transfer and approved by the disbursing official at Dugway Proving Ground, his new permanent duty station (PDS). His travel orders authorized the movement of his mobile home in accordance with the Department of Defense's Joint Travel Regulations (JTR) for civilian employees, at paragraph C5255.

After claimant completed his travel, he submitted his claim for reimbursement of expenses incurred in his PCS move. According to DFAS, claimant did not seek reimbursement for preparation and resettling costs for his mobile home, and therefore he was only reimbursed \$.11 per mile for moving his mobile home by privately owned vehicle (POV). The disbursing official at claimant's new PDS has requested that we issue a decision as to whether claimant can be paid the amount of the allowances authorized in his travel orders for moving his mobile home, or whether reimbursement should be limited to the mileage allowance as determined by DFAS.²

Discussion

Statute provides that a federal employee who otherwise would be entitled to transportation of household goods (HHG) and personal effects is entitled instead of that transportation to a reasonable allowance for transportation of a mobile dwelling (if the mobile dwelling is transported by the employee) or commercial transportation of the mobile dwelling at Government expense. 5 U.S.C. § 5724(b). The Federal Travel Regulation (FTR), sections 302-10.1, -10.403, implements this statute, allowing employees to transport

² This case was docketed at the General Services Administration Board of Contract Appeals (GSBCA) as GSBCA 16997-RELO. On January 6, 2007, pursuant to section 847 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. No. 109-163, 119 Stat. 3391, the GSBCA was terminated and its cases, personnel, and other resources were transferred to the newly-established Civilian Board of Contract Appeals (CBCA). This case was docketed by the CBCA as CBCA 515-RELO. The holdings of the GSBCA and other predecessor boards of the CBCA are binding on this Board. *Business Management Research Associates, Inc. v. General Services Administration*, CBCA 464 (Jan. 18, 2007).

their mobile homes and to receive reimbursement for various charges incurred in preparing and resettling their mobile homes in lieu of transportation of HHG. 41 CFR 302-10.1, -10.403 (2005); *see, e.g., Judy T. Barnette*, GSBCA 14612-RELO, 98-2 BCA ¶ 30,098; *Charles A. Miller*, GSBCA 13679-RELO, 97-1 BCA ¶ 28,865. An employee can be paid for the costs of moving the mobile home or the costs of shipping his HHG, but not both. *Julia W. Saunders*, GSBCA 15047-RELO, 00-1 BCA ¶ 30,646 (1999).

Similarly, the JTR state in relevant part that an employee authorized HHG transportation at government expense may be authorized mobile home transportation allowances in lieu of HHG transportation when the mobile home is acquired on or before the effective date of the PCS travel authorization and the employee certifies that the employee and any dependents intend to use the mobile home as a primary residence at the location to which it is moved. JTR C5255. Additionally, the maximum reimbursement for mobile home transportation is the transportation cost of the employee's PCS HHG weight allowance (up to 18,000 pounds) plus ninety days of HHG storage in transit (SIT) between the authorized points. The actual allowance is determined by the actual weight and distance, plus the actual costs of packing, pickup, line-haul or drayage, delivery, and unpacking. JTR C5265, C5285; *Dale G. Luckman, Jr.*, GSBCA 14874-RELO, 99-2 BCA ¶ 30,431. If the employee tows the mobile home by POV, the employee is reimbursed \$.11 per mile to cover transportation costs listed in JTR C5275C.³ JTR C5280A. Costs characterized as transportation preparation and resettling costs are also reimbursable. JTR C5280B;⁴ *Judy T. Barnette*.

Claimant's travel orders authorized reimbursement of mobile home transportation allowances in lieu of transportation for HHG. Claimant towed his mobile home from his old duty station to his new duty station by POV. He asserts that he expected to receive "about \$7,664 for packing and unpacking my HHG, \$9,700 for the transport of the mobile home, \$4,812.00 for storage of all items, and \$207.00 for the additional mileage" and that he was advised by travel officials that he would receive the full amount authorized. However,

³ These costs include ferry fares; bridge, road, and tunnel tolls; and taxes or fees fixed by a state or other governing authority for permits to transport mobile homes in or through its jurisdiction.

⁴ These costs include rental, installation, removal, and transportation of hitches and extra axles with wheels/tires; blocking/unblocking labor costs at origin/destination; HHG packing and unpacking; disconnecting/connecting utilities; skirting removal installation labor costs; movement/reassembly costs of separating, preparing, and sealing each half of a doublewide mobile home; trailing towing lights installation and removal; extension costs of existing water/sewer lines; travel lift fees; and similar expenses.

according to DFAS, the amounts authorized in claimant's travel orders are maximum reimbursement limits. Since claimant did not submit a request for reimbursement in these amounts or any indication that he incurred these costs, DFAS determined that claimant was only due reimbursement for \$.11 per mile for transportation costs.

Decision

Based upon the present record in this case, DFAS's determination is correct. While claimant is entitled to reimbursement for authorized allowances for moving his mobile home in lieu of shipping his HHG, he must submit a voucher detailing costs actually incurred before payment is authorized. If claimant has additional amounts which he can document, he should submit a voucher to the agency and seek reimbursement for these amounts.

ALLAN H. GOODMAN
Board Judge