



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 9, 2010

CBCA 1996-RELO

In the Matter of JEFFREY M. LUCERO

Jeffrey M. Lucero, Gaithersburg, MD, Claimant.

Deborah Nicholson, Manager, Finance and Accounting Division, Bureau of Reclamation, Department of the Interior, Denver, CO, appearing for Department of the Interior.

WALTERS, Board Judge.

Jeffrey M. Lucero, an employee of the Department of the Interior, Bureau of Reclamation (the agency), contests the agency's determination regarding the amount he owes for 3400 pounds of excess weight of household goods (HHG) shipped from Billings, Montana, to Washington, D.C., as part of his 2007 move to assume his position as the agency's Deputy Chief of Staff. There is no dispute regarding the fact that his HHG, including a 700 pound weight additive for his shipment of a canoe, weighed 21,400 pounds, or 3400 pounds beyond the statutory limit for HHG of 18,000 pounds. *See* 5 U.S.C. § 5724(a)(2) (2006). The agency determined that, by reason of this overage, Mr. Lucero was responsible for \$3658.87 of the total amount invoiced by the carrier, \$22,896.55. The agency computed the amount due by applying the ratio of weight overage to total weight shipped ($3400/21,400 = 0.1589$) to the total amount invoiced, \$22,896.55. This formula for computing the amount due from an employee for HHG weight overage conformed to standard practice within the Federal Government and is the methodology specified in published agency travel guidance. The computation is in error, however – 0.1589 times \$22,896.55 equals \$3638.26.

Mr. Lucero challenges the formula as overly simplistic and unfair and suggests, instead, that he owes only \$1950.13. This amount he derives by subtracting from the \$22,896.55 total carrier invoice an estimated amount for moving the 18,000 pound statutory weight limit – \$20,946.42. This estimate was calculated for him by a Mr. Allan Nichols, Vice President, King Transfer and Storage, United Van Lines, whom Mr. Lucero identifies as a “moving industry expert.” Mr. Lucero’s challenge is unavailing.

The formula used by the agency has “consistently been recognized as an appropriate and equitable method for deriving the portion of shipping costs attributable to excess weight and thus to be borne by the employee.” *John C. Bland*, GSBCA 16094-RELO, 04-1 BCA ¶ 32,431 (2003); *see also Steven P. Shafran*, CBCA 656-RELO, 07-2 BCA ¶ 33,603; *Jerry C. West*, GSBCA 16451-RELO, 04-2 BCA ¶ 32,764; *Marion T. Silva*, GSBCA 15673-RELO, 02-1 BCA ¶ 31,815. In *Bland*, the Board specifically rejected the employee’s proposed alternative computation method, one that, like Mr. Lucero’s, relied on “an estimate of the cost to move 18,000 pounds, rather than on the actual cost of moving 18,000 pounds.” This alternative method, the Board found, was “not likely to result in an accurate apportionment of costs, and would not in all cases satisfy the statutory dictate that the Government’s cost of shipping household goods be limited to the expense of moving 18,000 pounds.”

The agency here applied the standard formula in accordance with its own guidance. We alter its conclusion only to correct a computational error – Mr. Lucero owes the agency \$3638.26, not \$3658.87.

RICHARD C. WALTERS
Board Judge