



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 13, 2020

CBCA 6729-RATE

In the Matter of ARPIN GROUP, INC.

Mark Greene, Senior Vice President of GSA Operations, Arpin Group, Inc., East Greenwich, RI, appearing for Claimant.

George J. Thomas, Jr., Director, Transportation Audits Division, Office of Travel, Employee Relocation, and Transportation, Federal Acquisition Service, General Services Administration, Washington, DC, appearing for General Services Administration.

Pamela Middleton, Supervisor, Relocation Services Branch, Travel Services Division, Bureau of Fiscal Service, Parkersburg, WV, appearing for Department of the Treasury.

KULLBERG, Board Judge.

Claimant, Arpin Group, Inc. (Arpin), seeks the Board's review of an audit by the General Services Administration (GSA) that assessed an overcharge because Arpin failed to obtain a signature on weight tickets for the reweigh of a shipment of household goods (HHG). Arpin does not dispute that it initially failed to obtain a signature, but contends that it provided such a signature after receiving a notice of overcharge (NOC) from GSA. For the reasons stated below, the Board denies the claim.

Background

On August 15, 2018, GSA issued to Arpin an NOC in the amount of \$1326.56 plus \$5.74 in interest because the Government had "paid \$18,603.38 but should have paid \$17,276.82." The NOC noted that a reweigh of an HHG shipment in excess of 18,000

pounds is required, but GSA found that the weight tickets for the reweigh on January 8, 2018, at the destination lacked the signature of a weigh master.

Arpin requested that GSA review the NOC, and on September 4, 2018, GSA issued its dispute resolution letter that reaffirmed the NOC. On September 27, 2018, Arpin requested and later obtained a weigh master's signature for the January 8, 2018, weight tickets. On October 21, 2019, GSA issued its settlement certificate that disallowed Arpin's claim. The settlement certificate also advised Arpin that it could not provide the missing weigh master's signature after GSA had issued the NOC. Arpin subsequently submitted its claim to the Board.

Discussion

The issue in this matter is whether GSA can properly assess an overcharge against Arpin for its failure to provide a weigh master's signature on a weight ticket when it invoiced for payment but did provide such a signature after GSA issued its NOC. Statute and regulation provide the authority for GSA to perform audits of an agency's transportation bills. 31 U.S.C. § 3726 (2018); 41 CFR 102-118.405 (2017). GSA's Household Goods Tender of Service (HTOS) rules state that if the weight of an HHG shipment exceeds 18,000 pounds, the shipper must reweigh the shipment at final delivery, and a shipper will not be allowed to invoice for a shipment in excess of 18,000 pounds if the reweigh is not performed. HTOS 5.4.4. (Sept. 2017). Those rules also require that a shipper obtain weight tickets for each weighing of a shipment, and "[e]very weight ticket shall be signed by a weigh master performing the weighing." *Id.* 5.4.2.

Arpin does not dispute the facts alleged by GSA in this matter, and it only raises the question as to when a weigh master must sign a weight ticket. Such an argument is of no avail. GSA's rules, which are set forth in the HTOS, precluded Arpin from invoicing for a shipment that exceeded 18,000 pounds without valid weight tickets for the reweigh of that shipment. A weight ticket that lacks a weigh master's signature is invalid. Arpin's submission of a weigh master's signature long after the actual weighing of a shipment does not correct Arpin's failure to submit a properly signed weight ticket when it invoiced for payment.

Decision

The claim is denied.

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge