

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

November 2, 2000

GSBCA 15376-RELO

In the Matter of DANIEL BAUDER

Daniel Bauder, Wakeman, OH, Claimant.

James M. Bostic, Assistant to the Chief, Livestock and Seed Program, Meat Grading and Certification Branch, Agricultural Marketing Service, Department of Agriculture, Washington, DC, appearing for the Department of Agriculture.

GOODMAN, Board Judge.

Daniel Bauder is an employee of the United States Department of Agriculture. He has requested review of the agency's decision to only partially compensate him for costs incurred in moving his household goods (HHG) resulting from a permanent change of station (PCS).

Background

In February 2000, claimant accomplished a PCS move and was authorized payment for transportation of 18,000 pounds of HHG pursuant to Part 302-8 of the Federal Travel Regulation. The HHG were authorized to be shipped pursuant to a Government Bill of Lading (GBL). When the moving company hired by the Government surveyed claimant's possessions, he was informed that eight trophy mounts (animals which were the subject of taxidermy) would require special protective crating costing an estimated \$2640.

Initially, the agency informed claimant it would not pay for special crating. After reconsideration, the agency informed claimant it would pay \$1000 for special crating, even though it had reviewed the decisions of this Board and had found no decisions dealing with special crating. The agency advised claimant as follows:

You must decide whether or not you wish to pay the extra amount over \$1,000 for the special crating. If you decide to have the items special crated, be billed the cost above the \$1,000, and the ruling is in your favor; which it well could be, we will reimburse you the extra cost you were charged for the crating.

Claimant had five of the trophy mounts crated for \$986, which the Government paid. He hired a carpenter to crate the other three for an additional amount of \$870.69, which the

Government did not pay; claimant is requesting reimbursement of that amount. The total weight of the HHG shipped was 15,500 pounds.

Discussion

Statute authorizes an agency to pay for transportation of HHG and personal effects not in excess of 18,000 pounds net weight when an employee is transferred in the interest of the Government from one duty station to another. 5 U.S.C. § 5724(a)(2) (1994). There are two methods prescribed in the Federal Travel Regulation (FTR) for movement of HHG -- the commuted rate and the actual expense methods. 41 CFR 302-8.3 (1999). Under the latter method, the property is shipped on a GBL. Id. 302-8.3 (b)(1). Claimant was authorized to move his HHG by GBL. Relevant regulations read as follows:

(b) Actual expense method.

(1) Description. Under the actual expense method, the Government assumes responsibility for awarding contracts and for other negotiations with carriers. The property is shipped on a Government bill of lading, and the Government audits and pays transportation vouchers directly to carriers. Under the actual expense method, the household goods are shipped by the Government, not by the employee.

(2) Agency responsibility. Selection of the carrier, arranging for carrier services and for packing and crating, preparing the Government bill of lading, paying charges incurred, and processing any loss and damage claims are the direct responsibility of the agency.

(3) Allowable charges. The actual costs of transportation of household goods within the authorized weight limits will be allowed at Government expense. Also, within that weight limit, the actual costs for packing, crating, unpacking, drayage incident to transportation, and necessary accessorial services shall be allowed.

....

(5) Excess weight procedures. When the weight of an employee's household goods exceeds the maximum weight limitation, the total quantity may be shipped on a Government bill of lading, but the employee shall reimburse the Government for the cost of transportation and other charges applicable to the excess weight, computed from the total charges according to the ratio of excess weight to the total weight of the shipment.

41 CFR 302-8.3(b).

The FTR also provides that "the maximum weight of household goods that may be transported or stored at Government expense is limited to 18,000 pounds net weight for all employees." 41 CFR 302-8.2(a). The FTR states additionally:

If [HHG] in excess of the weight allowable under this regulation are shipped on a [GBL] . . . the employee shall promptly upon completion of the shipment pay the proper agency official for the excess cost. The excess cost shall be computed from the total charges according to the ratio of excess weight to the total weight of the shipment.

41 CFR 302-8.4(e)(2).

The FTR is explicit that allowable costs when shipping by GBL include the cost of crating, and the cost to the Government will usually depend not only on the weight involved but also on the accessorial services required, the quality of packing, and the quantity of individual cartons, boxes, barrels, and wardrobes used by the carrier in packing. Thus, the allowable cost of crating is not dependent upon the weight of shipment, and the regulation contemplates the need to package HHG for their protection and the Government paying for such costs. Claimant had the trophy mounts crated for a cost less than that estimated by the Government's carrier. The FTR does not define excess cost as the function of "special crating." According to the FTR, excess cost results from exceeding the weight limitation, which was not the case here, as claimant shipped HHG which weighed 15,500 pounds. Claimant is entitled to reimbursement for the costs of crating the trophy mounts that he shipped.

Decision

As claimant is entitled to reimbursement for the costs he incurred in crating the trophy mounts, he should be reimbursed the \$870.69 he seeks in this case.

ALLAN H. GOODMAN
Board Judge