

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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August 1, 2001

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GSBCA 15531-RELO

In the Matter of DANIEL C. SCHOFIELD

Daniel C. Schofield, Colorado Springs, CO, Claimant.

R. Michael Imphong, Chief, Allowances Unit, Personnel Resources Compensation and Entitlements, Department of the Air Force, Washington, DC, appearing for Department of the Air Force.

**BORWICK**, Board Judge.

Claimant, Mr. Daniel C. Schofield, and his spouse were employees of the Department of the Air Force. The agency authorized each employee a permanent change of station (PCS) in the interest of the Government. The couple, as authorized by the Joint Travel Regulations (JTR), chose to receive separate PCS entitlements under separate orders. Because of the couples' housing choices at the new station, their household goods (HHG) were in storage for an extended period. Claimant maintained that he and his spouse were entitled to a total of 360 days of temporary storage of HHG, an argument that the agency rejected. We conclude that the agency correctly construed statute and regulation in denying claimant's request. Since claimant's HHG and his spouse's HHG were co-mingled and stored together, their separate HHG benefit ran concurrently.

The facts as indicated by the record are as follows. Claimant and his spouse were employed at Randolph Air Force Base (AFB), Texas. The agency authorized both their transfers in the interest of the Government to Peterson AFB, Colorado. The agency first selected claimant's spouse for a transfer; her reporting date was July 30, 2000, and claimant's reporting date was September 24, 2000.

When two employee members of the same family transfer in the interest of the Government, they have the option (1) to be authorized for separate travel allowances with neither spouse listed as the other's dependent, or (2) for one employee to be designated as the transferee with the other listed as the dependent. JTR C4000-B. Claimant and his spouse chose the first option, i.e., separate PCS entitlement with neither spouse being listed as the

other's dependent. The agency authorized both claimant and his spouse one hundred and eighty days temporary storage of household goods.

Claimant and his spouse sold their residence in Texas and relocated to Colorado Springs, Colorado, presumably in time for claimant's spouse to report for duty at Peterson AFB. Claimant says that "we proceeded with selling our house and moving our [HHG] using [the spouse's] fund cite. When I PCSed, very little costs were incurred (per diem, mileage, and TQSE) although I had the same entitlements." Claimant put their HHG in storage on August 26, 2000.

Claimant and his spouse expected to purchase an existing house, but after several weeks of house hunting, they decided to build a house since the cost of building a house would be about the same as the expense of buying an existing one. They contracted with a builder, found a lot on which to build, and then designed a house. Claimant and his spouse awaited the necessary construction permits from local authorities and were ready to start construction in early January 2001. Cold weather, however, delayed the start of construction until February 1. The expected completion date for the house is August 15, 2001.

The agency reimbursed claimant for 180 days temporary storage of HHG, i.e., until February 26, 2001, at which time the storage period expired. The storage company started billing claimant a monthly storage fee of \$500. Claimant sought agency authorization for an additional 180 days of temporary storage of HHG based on claimant's separate travel authorization. The agency rejected his request, determining that such an authorization would amount to duplicate payment for an expense the agency had already reimbursed.

The Federal Travel Regulation (FTR) and the JTR limit the period of HHG storage to 180 days. 41 CFR 302-8.2(d) (1995); JTR C8605-A. Here, claimant's HHG and the spouse's HHG were co-mingled and stored in the same location; the employee's 180 day entitlement for storage of HHG ran concurrently with his spouse's. The claimant and his spouse are not entitled to a total of 360 days of storage of HHG. The claim is denied.

The agency requests that this matter be referred to the Administrator of General Services for possible referral to Congress under the Meritorious Claims Act (MCA), 31 U.S.C. § 3702(d) (1994 & Supp. V 1999).

Pursuant to the Travel and Transportation Reform Act of 1998, Public Law No. 104-264, 112 Stat. 2350, the Administrator of General Services has established a test program under which claims adjudged to be meritorious by the Board may be referred to the Deputy Associate Administrator, Office of Transportation and Personal Property (MT). MT, after consultation with officials from the Department of Defense and the Department of State will then determine whether administrative relief should be granted for legal or equitable reasons. The purpose of the test program is to allow MT to achieve the same results as it would if the Meritorious Claims Act were utilized, but in a more efficient manner. Roy Katayama, GSBCA 15605-RELO (July 20, 2001).

In this instance, we decline to make the referral to MT for possible administrative relief under the test program. No agency action caused claimant and his spouse's extended

storage of HHG; the extended period was caused by the couple's personal decision to build a house rather than purchase an existing house after the PCS to Colorado. See Katayama.

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ANTHONY S. BORWICK  
Board Judge