

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

February 12, 2003

GSBCA 15892-RELO

In the Matter of KELLY W. KIETZKE

Kelly W. Kietzke, Sewanee, TN, Claimant.

J. Patrick O'Toole, Director, Division of Travel Management, Social Security Administration, Baltimore, MD, appearing for Social Security Administration.

WILLIAMS, Board Judge.

A transferred employee is entitled to transportation and storage of household goods (HHG) not to exceed 18,000 pounds. Claimant here seeks \$556.38 representing charges for temporary storage of 3080 pounds of HHG, over and above the 18,000 pounds the Government shipped for him. The applicable statute and regulations do not permit reimbursement for transportation and storage of HHG in excess of 18,000 pounds in a given move.

Background

Claimant, Kelly W. Kietzke, an employee of the Social Security Administration (SSA), was transferred from Tallahassee, Florida, to Tullahoma, Tennessee, in February 2000. Claimant was authorized shipment of his HHG not to exceed 18,000 pounds and temporary storage of HHG not to exceed ninety days.

Mr. Kietzke had HHG with a total weight of 21,520 pounds transported from his old residence in Tallahassee to his new official duty station in Tullahoma. At claimant's request, 18,440 pounds of HHG were delivered to his new residence and the remaining 3080 pounds of HHG delivered into storage. The agency paid for the transportation and delivery charges based on the 18,000-pound maximum weight limitation. The 3080 pounds of undelivered HHG remained in storage for a period of approximately three months. Mr. Kietzke asserts that this portion of his goods could not be delivered until ongoing construction at the new residence was complete. Mr. Kietzke was billed directly for the storage charges in the amount of \$556.38, and seeks reimbursement from SSA.

Discussion

Claimant recognizes that his HHG weighed over 18,000 pounds, but contends that only 3080 pounds were placed in temporary storage and that the weight of the HHG placed into storage should be considered separately from the weight of the HHG transported. In essence, claimant is arguing that he is entitled to be reimbursed for shipping one component of his HHG weighing up to 18,000 pounds and storing another component of his HHG weighing up to 18,000 pounds.

The problem with claimant's argument is that the applicable statute and regulations clearly make 18,000 pounds the maximum for both transportation of HHG and storage of HHG in a given move. Statute limits the Government's payment of an employee's moving expenses to 18,000 pounds net weight, and expressly provides:

Under regulations prescribed under section 5738 of this title and when the head of the agency concerned or his designee authorizes or approves, the agency shall pay from Government funds--

(1) the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty, and . . .

(2) the expenses of transporting, packing, crating, temporarily storing, draying and unpacking his household goods and personal effects not in excess of 18,000 pounds net weight.[.]

5 U.S.C. § 5724(a) (2000).

The applicable regulation is to the same effect. Federal Travel Regulation (FTR) 302-8.2 states:

(a) Maximum weight allowance. 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. The total weight of household goods stored under section 302-9.2 plus the weight of household goods transported under this part shall not exceed the maximum weight allowance prescribed in this paragraph [18,000 pounds].

41 CFR 302-8.2 (2000) (emphasis added).

Thus, because claimant has already been reimbursed for the transportation of 18,000 pounds of HHG in conjunction with this authorized shipment, he is not entitled to reimbursement of storage charges for additional HHG shipped in the same move in excess of 18,000 pounds. In other words, claimant could have been reimbursed for both transportation and storage of up to 18,000 pounds of HHG, but he cannot be reimbursed for either service for any of his HHG over and above 18,000 pounds. The Government paid for the transportation of 18,000 pounds of HHG to claimant's new residence, and has no obligation to fund storage charges for additional HHG in excess of that weight. Claimant's election to store excess HHG over and above the 18,000-pound limitation resulted in an expense which cannot be reimbursed under statute and regulation.

The regulations authorize transportation and storage of HHG "in connection with an authorized shipment." 41 CFR 302-8.2(d). An authorized shipment is defined to be limited to 18,000 pounds, so neither the transportation nor the storage entitlement can, for a given authorized shipment, be extended to additional HHG in excess of the 18,000-pound limitation. This Board has recognized that employees are responsible for both transportation and storage charges for any HHG in excess of 18,000 pounds in a given shipment. E.g., Marion T. Silva, GSBCA 15673-RELO, 02-1 BCA ¶ 31,815, at 157,238; Ira A. C. Peets, GSBCA 15294-RELO, 00-2 BCA ¶ 31,058, at 153,353. Consistent with this, claimant is responsible for the transportation and storage charges of his HHG weighing in excess of 18,000 pounds in this shipment.

Decision

The claim is denied.

MARY ELLEN COSTER WILLIAMS
Board Judge