

## Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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April 24, 2003

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GSBCA 15952-RELO

In the Matter of GUY D. ROBINSON, SR.

Guy D. Robinson, Sr., Camden, NJ, Claimant.

Lt. J.P. Ames, Judge Advocate General's Corps, Naval Legal Service Office, Europe and Southwest Asia, Department of the Navy, FPO Area Europe, appearing for Department of the Navy.

**GOODMAN**, Board Judge.

Claimant, Guy D. Robinson, Sr., is a civilian employee of the Department of Defense. He seeks reimbursement of costs incurred during his relocation from Camden, New Jersey, to Naples, Italy, in July 2001.

### Factual Background

Claimant's orders authorized him to ship household goods at Government expense. Claimant states that his agency advised him that he was entitled to ship a boat he owned at Government expense. His travel orders contained the following notation in Block 13: "Shipment contains a Boat/Trailer." The claimant arranged for the shipment of his boat at Government expense. Government contractors picked up his boat, prepared it for shipment, and transported it to the local port for shipment to Italy.

At some unspecified date, the agency advised claimant that the boat could not be shipped at Government expense because it was not within the definition of "household goods." He was advised to make the necessary arrangements to collect his boat within thirty days. Claimant states that he only discovered this information when he called the personal property shipping office in Naples to check on the status of his boat. The agency reportedly agreed to store the boat in New Jersey for thirty days at no expense to him.

Claimant traveled to the United States on official business on August 17, 2001. He was issued temporary duty orders by his command, including per diem expenses. While in this country, he made inquiries about the status of his boat. He located the boat at a small

storage lot approximately eighty to ninety miles from the port where he had been told it was being kept. It had apparently been shipped to this location on August 23, 2001. On August 24, 2001, after inspecting his boat, claimant reported the theft of items from his boat to the Westville, New Jersey, Police Department. Upon his return to Italy, claimant filed a travel claim and was reimbursed for all allowable hotel, per diem, and other expenses. The agency states that certain costs incurred were not reimbursed for the period from August 21 to September 6, 2001, as claimant's travel status was designated as "leave en route" during that period, and he is not entitled to reimbursement for per diem or other expenses while on leave.

On November 1, 2001, claimant filed a household goods claim at the Naval Legal Service Office, Europe and Southwest Asia (NLSO EURSWA), Naples, Italy, under the Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. § 3721 (2000). This claim was denied by the commanding officer, NLSO EURSWA, citing Appendix A of the Federal Travel Regulation (FTR), which excludes boats from the applicable definition of household goods. Because the claimant was not entitled to ship a boat at Government expense, the commanding officer found that the claimed losses were not incident to Government service and were therefore not payable.

On September 13, 2002, claimant filed the instant case at this Board. He seeks the cost of transporting the boat from his residence to the local port, the storage costs after the initial thirty days that were not paid by the agency, and unreimbursed travel costs. On or before October 2, 2002, claimant filed, with the Navy, a request for reconsideration of his damage claim under the Military Personnel and Civilian Employees' Claims Act. The request for reconsideration was forwarded to the Judge Advocate General for further consideration and remains under consideration.

#### Discussion

\_\_\_\_\_ In this case, claimant seeks the costs of transporting his boat from his residence to the local shipyard for shipment to his new duty station abroad, damage to his boat during storage at the local shipyard, and storage expenses for the boat which were incurred after the initial thirty-day period.

Claimant's travel orders authorized shipment of his boat as household goods (HHG). This classification of the boat as household goods was erroneous, as the FTR and the Joint Travel Regulations (JTR) applicable at the time that claimant relocated both excluded boats from the definition of HHG. 41 CFR 302-1.4(j) (2001); JTR app. A (July 1, 2001). Claimant is not entitled to reimbursement for transporting his boat or for storage expenses.

Claimant's claim for damage to his boat is not within this Board's delegation of authority, which includes the settlement of claims by federal civilian employees for relocation expenses incident to the transfer of duty station. Claims by employees for loss or damage incident to service are covered by another law--the Military Personnel and Civilian Employees' Claims Act--which vests claims settlement authority in agency heads. See, e.g., George J. Krakie, GSBGA 14141-RELO, 97-2 BCA ¶ 29,158. Claimant has an appeal pending in another forum with regard to a claim under this act.

Claimant also seeks certain travel expenses incurred during his return trip. The agency responds that claimant was reimbursed all expenses to which he was entitled by issuance of retroactive travel orders. However, the agency states that expenses which were not reimbursed were those incurred between August 21 and September 6, 2001, while he was in a status of "leave en route," and therefore claimant is not entitled to reimbursement for these costs. Claimant has offered no response to the agency's position on this issue. The travel orders issued to claimant do state that he is authorized leave for the time period stated. Accordingly, we find no basis for reimbursement of these costs.

#### Decision

The claim for shipment and storage of the boat is denied. The claim for damage is dismissed for lack of jurisdiction. The claim for travel costs is denied.

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ALLAN H. GOODMAN  
Board Judge