

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

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December 17, 2002

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GSBCA 15964-RELO

In the Matter of LINDA G. WILLIAMS

Linda G. Williams, Lewisville, AR, Claimant.

Len E. Blaylock, Jr., State Executive Director, Farm Service Agency, Arkansas State Office, Department of Agriculture, Little Rock, AR, appearing for Department of Agriculture.

**BORWICK**, Board Judge.

In this matter claimant seeks reimbursement of \$5527.80 for moving household goods (HHG) incident to her intra-state permanent change of station (PCS) transfer. Claimant also seeks reimbursement of \$1000 for the miscellaneous expense allowance. We grant the claim in part. The agency correctly applied the provisions of the Federal Travel Regulation (FTR) and granted claimant \$238.92 as the actual cost of her self-move of HHG to her new station. The agency reduced claimant's miscellaneous expense allowance reimbursement by \$300 to \$700. The agency acted incorrectly in reducing claimant's reimbursement since the FTR entitles claimant to \$1000 reimbursement for the miscellaneous expense allowance.

By letter of April 11, 2002, the agency advised claimant concerning her pending PCS transfer in the interest of the Government. The agency advised claimant that she must sign a one-year service agreement, which was located "at the bottom of" agency form "AD-202R." The agency also referred claimant to pertinent portions of an agency handbook for an explanation of relocation entitlements, including shipment and storage of HHG. Part 8C of the manual explained that there were two methods of shipment of HHG, the commuted rate method and the actual expense method. Part 8C further explained that when movement of HHG was anticipated regulations required management to use the most cost-effective method of shipment following a review of a General Services Administration (GSA) cost comparison. If the actual expense method would result in a lower cost to the Government by more than \$100, then that method would be used.

In its letter the agency asked claimant for some information about her PCS and requested claimant to "forward an executed AD-202 and AD-202R." By this request the agency meant for claimant to provide the requested information and execute the service

agreement, which was agency form AD-202R. Claimant took the request as a license to authorize her own travel, including the method of shipping her HHG.

On or about April 19, the Department authorized claimant's transfer in the interest of the Government from Little Rock, Arkansas, to Lewisville, Arkansas. In the computer-generated travel authorization, agency form AD-202, the agency authorized claimant to move her household goods by the actual expense method. This form was signed by an approving official, the Acting Administrative Officer. The covering memorandum to this authorization stated that no relocation allowances would be authorized unless the basic eligibility criteria in Part 8 of the agency's travel policy and procedures manual were met. The agency also attached agency form AD-202R, the service agreement.

Claimant states that on April 29, 2002, she returned a hard copy of form AD-202 to the appropriate office and "indicated the 'commuted rate' as the payment method." Claimant had filled this form out herself, and it was not signed by an approving agency official. She also states that she received from the agency the computer-generated travel authorization (which authorized the actual expense method of moving her HHG) and the AD-202R (the service agreement) on May 3. Despite her receipt of these documents on May 3, claimant signed them with the signature date of "April 19, 2002." Claimant states that she "did not notice that the form had been changed" to authorize the actual expense method of moving her HHG.

Using a rental trailer, claimant moved her HHG at a cost of \$238.92. Claimant submitted a voucher which included requested reimbursement of \$5527.80 for the shipment of HHG. Claimant maintained that figure was the "commuted rate" for the shipment based on the combined weight of the trailer and the HHG. Claimant also sought \$1000 for the miscellaneous expense allowance.

The agency refused to pay claimant the requested \$5527.80 for the shipment of HHG and reimbursed claimant \$238.92, the rental cost of the trailer. The agency also reduced claimant's miscellaneous expense allowance to \$700. Claimant filed a claim at this Board maintaining that she is entitled to reimbursement at the so-called "commuted rate" of \$5527.80 and an additional \$300 for the miscellaneous expense allowance. The agency admits that it owes claimant the additional \$300.

Regarding the HHG shipment, claimant is not entitled to the reimbursement she seeks. Contrary to claimant's assumption, the agency, not claimant, is responsible for determining the method of shipping HHG. The FTR provides that the "agency will determine" whether the commuted rate or actual expense method "will be authorized." 41 CFR 302-7.13 (2002). The selected method is to be stated on the travel authorization. 41 CFR 302-7.301. Here, the governing travel authorization was the computer-generated form, signed by an approving official, which authorized use of the actual expense method for shipment of HHG. The use of the actual expense method was clearly appropriate. Indeed, if the agency had authorized the commuted rate method, the agency would have violated regulation, since the FTR provides that the commuted rate method does not apply to intra-state moves. 41 CFR 302-7.14(b). The travel authorization form claimant had filled out herself, unsigned by an approving official, was not the agency travel authorization and could not determine her entitlements.

When an employee chooses to use methods other than the one authorized by the Government, the employee's reimbursement is limited to the actual cost incurred, not to exceed what the Government would have incurred under the authorized commuted rate or actual expense method. 41 CFR 302-7.15. The actual cost of claimant's move was \$238.92. The agency correctly computed claimant's entitlement for her shipment of HHG as provided in the FTR.

As for the miscellaneous expense allowance, after the claim was filed, the agency correctly recognized that claimant is entitled to reimbursement of \$1000, not \$700. 41 CFR 302-16.102(b). The agency shall reimburse appellant an additional \$300, for a total of \$1000 for the miscellaneous expense allowance.

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ANTHONY S. BORWICK  
Board Judge