

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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June 9, 2003

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GSBCA 16086-RELO

In the Matter of LAWRENCE F. FRAGOMELI

Lawrence F. Fragomeli, Fort Worth, TX, Claimant.

Jeanne DiGange, Authorized Certifying Officer, National Finance Center, Department of Agriculture, New Orleans, LA, appearing for Department of Agriculture.

**DANIELS**, Board Judge (Chairman).

In October 2000, the Department of Agriculture hired Army employee Lawrence F. Fragomeli and issued orders for him to relocate from Seattle, Washington, to Fort Worth, Texas. The orders authorized Mr. Fragomeli to travel to his new duty station by privately-owned vehicle. They also authorized the shipment of his household goods under the actual expense method and temporary storage of those goods for ninety days. Mr. Fragomeli chose to move the goods in two separate trips. He drove one of his two vehicles, pulling behind it a rented trailer containing some of his belongings, from Seattle to Fort Worth. Then he returned to Seattle by air and drove his other vehicle, again pulling behind it a rented trailer containing some of his belongings, to Fort Worth. He reported for duty in Fort Worth in November 2000, following his arrival with the second vehicle. The Department of Agriculture asks for which of the costs of these trips it ought to pay.

Under the regulations in effect at the time Mr. Fragomeli relocated to the Agriculture facility in Fort Worth, if an agency determined that shipment of a transferred employee's household goods by the actual expense method (also called the GBL, or Government bill of lading, method) was most economical and the employee chose to move his own goods, the agency had to reimburse the employee for the actual expenses of the move, not to exceed the amount the Government would have paid if it had shipped the goods in one lot under a GBL. 41 CFR 101-40.203-2(b), (d) (2000)<sup>1</sup>; George S. DaBai, GSBCA 15976-RELO (Apr. 8,

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<sup>1</sup>The portion of Federal Property Management Regulations which contained this provision was revised in October 2000. 65 Fed. Reg. 60,060 (Oct. 6, 2000). The revised regulations, which were in effect when Mr. Fragomeli reported to his new duty station, do not contain a  
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2003). Although we do not know the amount the Government would have paid if it had shipped Mr. Fragomeli's goods in one lot under a GBL, we gather from the agency's filing that this amount is greater than the entire sum claimed by the employee. The limitation on the employee's recovery, therefore, is the total of the costs we find reimbursable.

The examples of actual, reimbursable expenses given in the regulation are "vehicle rental fee, material handling equipment, packaging materials, fuel, toll charges, etc." 41 CFR 101-40.203-2(d). The Agriculture Department has effectively followed this list of examples by reimbursing Mr. Fragomeli for expenses he incurred in renting two trailers and in buying packaging materials, gasoline for his first trip to Fort Worth, and maps. Although the agency did not earlier pay for insurance the employee bought in conjunction with his rental of the trailers, it has correctly agreed to do so now; the cost of insurance is an actual expense of the movement of the goods. The agency apparently paid for the installation of a hitchball on one of Mr. Fragomeli's vehicles so that the rented trailer could be attached to the car, but did not pay for the installation of the same kind of device on the other vehicle. Without the second hitchball, the second trailer would not have been of any use in moving goods from the old duty station to the new one. We consider the small cost of this device to have been an actual transportation expense of the self-move and direct the agency to pay it. Similarly, since the padlock Mr. Fragomeli purchased (for a very small sum) was evidently used to secure his goods while they were in transit, the agency should pay the cost of that item.

The examples of actual expenses in the regulation are expenses of transportation, not expenses of travel. The agency authorized travel costs only for Mr. Fragomeli's trip to Fort Worth for the purpose of reporting for duty. See 41 CFR 302-2.1(a)(1), (b). It has apparently paid for the costs of that trip – mileage, lodging, and a per diem allowance to cover meals and incidental expenses en route. The agency did not authorize any additional travel costs. It did not authorize travel costs for the employee's trip to Fort Worth for the sole purpose of moving household goods, or for his trip back to Seattle. Nor can we find in statute or the Federal Travel Regulation any authority for an agency to pay for the travel costs a transferring employee incurs to journey more than once from one duty station to another. Consequently, we conclude that the agency properly did not pay such costs for Mr. Fragomeli's additional trips. See Jerry U. Shimoda, GSBCA 14262-RELO, 99-1 BCA ¶ 30,170 (1998).

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comparable provision. Because the General Services Administration's explanation of the revisions discusses many "substantive changes," but does not include this matter among them, however, id., we continue to apply the previous rule. We note that due to a more recent change in the Federal Travel Regulation, transferred employees who reported for duty at their new stations on or after February 19, 2002, and who arrange for the shipment of their own household goods, are reimbursed for the actual costs they incur, "not to exceed what the Government would have incurred under the commuted rate system within CONUS [the continental United States – the forty-eight contiguous states] and the actual expense method OCONUS [outside CONUS]." 66 Fed. Reg. 58,194, 58,221 (Nov. 20, 2001) (emphasis added) (now codified at 41 CFR 302-7.15 (2002)).

Mr. Fragomeli seeks reimbursement for two additional kinds of expenses which the agency properly refused to pay. Paper towels, car washes, batteries, and candy are not expenses of transportation or travel. These items appear to have been purchased for "reasons of [the employee's] personal taste or preference," so their costs are not reimbursable as miscellaneous expenses of the relocation. 41 CFR 302-3.1(c). Storage of one of the vehicles is not an expense of transportation or travel, either. Although the agency authorized temporary storage of household goods, a vehicle is not a household good, and neither statute nor regulation permits an agency to pay for a car's storage. Teresa M. Erickson, GSBCA 15210-RELO, 00-1 BCA ¶ 30,900.

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STEPHEN M. DANIELS

Board Judge