

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

November 10, 2004

GSBCA 16522-RELO

In the Matter of DAVID E. BURKHARDT

Maj. David E. Burkhardt, United States Army (Retired), Cary, NC, Claimant.

A. V. Easter, Site Manager, Transportation Payments Office, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

DANIELS, Board Judge (Chairman).

When Major David E. Burkhardt retired from the United States Army, that service engaged a carrier to move his household goods and professional books, papers, and equipment from his last military duty station to his new home. Major Burkhardt claims that the Defense Finance and Accounting Service (DFAS) has improperly demanded that he pay a portion of the cost of the move.

Major Burkhardt asked us to review this matter and settle the claim in his favor. Upon docketing the case, we requested that Major Burkhardt and DFAS consider whether the Board is the appropriate forum for considering it. The parties have agreed, and expressly conclude, that we are not the correct forum.

In section 3702 of title 31, United States Code, the Congress authorized various officials to settle various kinds of claims of or against the United States Government. The Secretary of Defense is authorized to settle such claims which involve "uniformed service members' . . . transportation," and the Administrator of General Services is to settle such claims which involve "expenses incurred by Federal civilian employees for . . . relocation expenses incident to transfers of official duty station."

Major Burkhardt filed his claim in his capacity as a retired member of the uniformed services, and the claim involves costs of transporting household goods pursuant to his move from his last post of duty to his retirement location. Under the statutory allocation of responsibility for settling claims, therefore, this claim should properly be directed to the designee of the Secretary of Defense for claims settlement (the Defense Office of Hearings and Appeals) rather than the designee of the Administrator of General Services for this purpose (the General Services Board of Contract Appeals).

We are consequently dismissing the case and transferring it to the Defense Office of Hearings and Appeals.

STEPHEN M. DANIELS
Board Judge