

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

December 7, 2000

GSBCA 15374-RELO

In the Matter of HELENE MIKES

Helene Mikes, Anchorage, AK, Claimant.

W. David Sims, Team Leader, Travel Team, Accounting Services Division, United States Customs Service, Department of the Treasury, Indianapolis, IN, appearing for Department of the Treasury.

DeGRAFF, Board Judge.

Helene Mikes asks that we reconsider our September 22, 2000 decision, in which we concluded that the agency correctly determined to hold her responsible for the charges associated with moving and storing more than 18,000 pounds of household goods in connection with her move to Alaska. After reviewing Ms. Mikes's request, we find no grounds for reconsidering our decision.

As we explained in our decision, the agency determined that Ms. Mikes's household goods weighed 22,110 pounds. In support of its determination, the agency relied upon a weight ticket dated March 17, 1993, showing a net weight of 21,880 pounds and containing the notation, "TRL # 9A3-096;" a supplemental weight ticket dated March 18, 1993, showing a net weight of 310 pounds, bearing the notation, "Items added to Alaska trailer 3/18/93 9A3-096," and showing the shipper as "H. Mikes;" and a Government bill of lading (GBL) showing a net weight of 22,110 pounds. Our decision repeated the agency's conclusion, as stated in its report to us concerning this claim, that Ms. Mikes added 310 pounds to the shipment on March 18, as shown on the supplemental weight ticket.

In her request for reconsideration, Ms. Mikes says that she did not add anything to her shipment of household goods on March 18, and she suggests that perhaps the moving company added something to her shipment on that date. We accept Ms. Mikes's statement that she did not add 310 pounds to her household goods shipment, but this does not provide us with grounds to reconsider our September 22 decision. As we explained there, Ms. Mikes would have to provide us with clear and substantial evidence of error or fraud in order to overcome the presumption that the agency correctly determined that the weight of her household goods exceeded 18,000 pounds. The supplemental weight ticket shows that 310

pounds was added to Ms. Mikes's Alaska-bound trailer and that the shipper was "H. Mikes." It is entirely possible, as Ms. Mikes suggests, that the moving company added 310 pounds to her trailer on March 18, but there is no evidence that the 310 pounds consisted of anything other than her household goods. In the absence of clear and substantial evidence of error or fraud, we have no basis for reconsidering our September 22 decision.

MARTHA H. DeGRAFF
Board Judge