

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

August 2, 2002

GSBCA 15755-RELO

In the Matter of PAMELA S. JUSTUS

Pamela S. Justus, Portland, OR, Claimant.

Robert D. Brown, Deputy Director, Finance, United States Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

WILLIAMS, Board Judge.

Claimant is responsible for paying for transportation expenses for household goods (HHG) exceeding the 18,000-pound limitation which statute authorizes the Government to pay.

Background

Pamela S. Justus, a computer specialist with the Department of the Army, was transferred from Stuttgart, Germany, to Portland, Oregon, effective August 15, 2000. Claimant's household goods were transported in four separate shipments between January 2001 and October 2001. The Government bills of lading (GBL's) for these moves reflect that the total weight of claimant's household goods was 32,654 pounds. Claimant's travel orders limited reimbursement for household goods up to a maximum of 18,000 pounds.

The agency did not notify claimant until some fourteen months after her permanent change of station date that the total combined weight shipped had exceeded the 18,000-pound limitation. Specifically, by letter dated December 7, 2001, the agency advised Ms. Justus that she owed a travel debt in the amount of \$7001.78 plus interest and penalties for a total indebtedness of \$7324.31.

Claimant has requested that the Board rescind the agency's decision to collect the travel debt, stating that if she had been given timely and accurate information on her move she would not be indebted to the Government.

Discussion

Statute limits the Government's payment of an employee's moving expenses to 18,000 pounds net weight, and expressly provides:

Under regulations prescribed under section 5738 of this title and when the head of the agency concerned or his designee authorizes or approves, the agency shall pay from Government funds--

(1) the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty . . . ;

(2) the expenses of transporting, packing, crating, temporarily storing, draying and unpacking his household goods and personal effects not in excess of 18,000 pounds net weight.

5 U.S.C. § 5724(a) (2000).

The applicable regulation is to the same effect. The Joint Travel Regulations (JTR) provide that "the maximum weight of HHG that may be transported . . . in connection therewith at Government expense is limited to 18,000 pounds net weight for all employees." JTR C8100. Because the 18,000-pound weight allowance is mandated by statute, neither an agency nor this Board has authority to waive it. Robert K. Oja, GSBCA 15807-RELO (June 10, 2002); Marina A. Galindo, GSBCA 15501-RELO, 02-1 BCA ¶ 31,775; Robert J. Lands, GSBCA 15367-RELO, 01-2 BCA ¶ 31,455; Robert K. Boggs, GSBCA 14948-RELO, 99-2 BCA ¶ 30,491; Donald G. Fullmer, GSBCA 14123-RELO, 97-2 BCA ¶ 29,291. Thus, the employee must pay for the excess weight shipped.

The agency's delay in notifying claimant of the debt does not prevent the agency from collecting the debt. Galindo, 02-1 BCA at 156,916 n.1; Joseph W. Burns, GSBCA 14233-RELO, 98-1 BCA ¶ 29,393 (employee liable for payment of excess costs of shipping household goods when move occurred in 1991 and claimant was notified of debt in 1996). In establishing the debt, the agency acted in accordance with the statute and the JTR, and the Board sustains the determination of the agency.

Decision

The claim is denied.

MARY ELLEN COSTER WILLIAMS
Board Judge