



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 12, 2009

CBCA 1518-RELO

In the Matter of RAYMOND J. VOGEL, JR.

Raymond J. Vogel, Jr., Washington, DC, Claimant.

Lisa D. Ferguson, Program Manager, Office of Deputy Assistant Secretary for Acquisition and Logistics, Department of Veterans Affairs, Washington, DC, appearing for Department of Veterans Affairs.

McCANN, Board Judge.

Claimant contends that he should not have to pay for the transfer of his household goods (HHG) in excess of the 18,000 pound limit.

Background

Claimant, Raymond J. Vogel, Jr., received permanent change of station (PCS) orders, to move from Columbus, Ohio, to Washington, D.C. Accordingly, the Government transferred his HHG from Columbus to Washington in June of 2006. Paul Arpin Van Lines, Inc. was the assigned carrier. It conducted a pre-move shipment survey that estimated the weight of Mr. Vogel's HHG at 28,200 pounds. By letter dated April 28, 2006, Mr. Vogel was informed that his HHG appeared to exceed the 18,000 pound limit established by the Government. The letter also informed Mr. Vogel that the estimated weight of his HHG was 28,200 pounds and that based on this estimate, he would be responsible for paying \$8977.28 for shipment of the goods. Finally, the letter indicated that the 28,200 pound figure was just an estimate and that the "costs will be based on actual weight."

Mr. Vogel's actual HHG shipment weight was 26,180 pounds, according to the weight tickets. In addition, a constructed weight derived from his shipment inventory

computed his shipment weight to be 26,152 pounds. This confirmed the accuracy of the weight ticket computation. Mr. Vogel contends that the original estimate was not 28,200 pounds, but was in the neighborhood of 22,000 pounds. He has submitted no documentation to support that claim. Mr. Vogel did transport 5474 pounds of his HHG using another carrier. He contends that he transported this amount based on the 22,000 pound estimate in an effort to get under the 18,000 pound limit.

Discussion

When an agency transfers an employee from one permanent duty station to another in the interest of the Government, the Government must pay “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)(2) (2006). The Federal Travel Regulation, which generally applies to civilian employees of the Federal Government, implements this statute. 41 CFR 302-7.2 (2005). Since the Government can only pay for the shipment of up to 18,000 pounds of HHG, an employee is responsible for reimbursing the Government for the costs associated with any weight shipped in excess of 18,000 pounds. *John C. Bland*, GSBCA 16094-RELO, 04-1 BCA ¶ 32,431 (2003); *Richard D. Grulich*, GSBCA 15800-RELO, 02-2 BCA ¶ 31,891.

Mr. Vogel complains that he was not informed of the excess weight determination for over two years and that the estimate was 22,000 pounds not 28,200 pounds. He further complains about the overall handling of his move. Mr. Vogel, however, does not dispute the amount of the excess weight determination or the dollar amount assessed. He was informed of the weight limitation and that he would be responsible for any excess. Mr. Vogel has not offered or alleged anything that would excuse him from paying for the excess weight that was shipped by the Government for his PCS move. The statutes and regulations cited require him to pay for excess weight. Mr. Vogel’s claim lacks merit.

For the reasons stated, Mr. Vogel’s claim is denied.

R. ANTHONY McCANN
Board Judge