



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 12, 2016

CBCA 5012-RATE

In the Matter of MOYER & SONS MOVING & STORAGE, INC.

Bonnie Lamson, Office Manager of Moyer & Sons Moving & Storage, Inc.,
Clarksburg, MD, appearing for Claimant.

Joyce Clark, Director, Transportation Audits Division, Office of Travel and
Transportation Services, Federal Acquisition Service, General Services Administration,
Washington, DC, appearing for General Services Administration.

David T. Crawford, Office of the Staff Judge Advocate, Military Surface Deployment
and Distribution Command, Department of the Army, Scott Air Force Base, IL, appearing
for Department of Defense.

SOMERS, Board Judge.

Claimant, Moyer & Sons Moving & Storage, Inc. (Moyer), appeals several notices of
overcharges (NOCs) issued by the General Services Administration (GSA) for shipments
made by Moyer for the United States Army.

The facts are not in dispute. GSA issued NOCs during 2015 for payments made to
Moyer on three government bills of lading (GBLs). Moyer did not file an administrative
claim regarding the NOCs with GSA, but instead filed its claim directly with the Board. In
a letter to the Board, GSA requests dismissal of the appeal for failure to exhaust
administrative remedies.

Discussion

By statute, Congress set up a system for paying carriers for providing transportation services to agencies of the Federal Government. *See* 31 U.S.C. § 3726 (2012). The statute also sets forth a mechanism for resolving disputes arising from those transactions. *See C.I. Whitten Transfer Co.*, GSBCA 13810-RATE, 98-1 BCA ¶ 29,391 (1997) (citing *Dalton v. Sherwood Van Lines, Inc.*, 50 F.3d 1014, 1016 (Fed. Cir. 1995)).

The provisions found in the regulatory scheme implementing the statute provide for the presentment, settlement, reconsideration, and review of transportation claims against the United States. *Tri-State Motor Transit Co.*, GSBCA 13896-RATE, 97-1 BCA ¶ 28,873. Under these regulations, a transportation service provider (TSP) may file an administrative claim involving collection actions resulting from the transportation audit performed by GSA directly with GSA's Transportation Audits Division (the Audit Division). 41 CFR 102-118.645 (2015). It is only after GSA has acted on an administrative claim that a TSP may seek review of GSA's settlement action at this Board. *Id.* 102-118.650. The failure by a TSP to file its administrative claim at GSA before submitting it to the Board will result in the dismissal of that claim as premature. *See, e.g., MJN Services, Inc.*, CBCA 3024-RATE, 13 BCA ¶ 35,254, at 173,052 ("regulations provide that this Board only obtains jurisdiction in these matters over determinations made by the GSA Administrator") (citing *McGill Specialized Carriers*, GSBCA 13926-RATE, 97-1 BCA ¶ 28,876, and *Tri-State Motor Transit Co.*, GSBCA 13896-RATE, 97-1 BCA ¶ 28,873); *Logistics International, Inc.*, CBCA 1255-RATE, 09-1 BCA ¶ 34,123, at 168,721 ("this Board cannot exceed its authority to review [the] claim where the necessary requirements for this Board's jurisdiction have not been met").

In this case, Moyer has not yet filed its administrative claim with the Audits Division. We have no authority to make any findings in this matter concerning the merits of this claim unless and until the jurisdictional prerequisite of a review of the claim by GSA has been met.

Decision

For the foregoing reasons, the claim is dismissed.

JERI KAYLENE SOMERS
Board Judge