



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 20, 2020

CBCA 6785-RELO

In the Matter of GREGORY T. WAHL

Gregory T. Wahl, Claimant.

Connie J. Rabel, Director, Travel Mission Area, Enterprise Solutions and Standards, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

ZISCHKAU, Board Judge.

Claimant, Gregory T. Wahl, a civilian employee of the United States Army, requests an additional relocation reimbursement of \$3272.84 for the self-move cost of shipping his household goods. The Defense Finance and Accounting Service (DFAS) reimbursed \$3403.37 of the claimant's request for \$6676.21 on the basis that claimant is limited to the Government's constructive cost of shipping the household goods (HHG). We conclude that claimant is entitled to no additional reimbursement and therefore deny his claim.

Background

On August 19, 2019, the Army issued permanent change of station orders for claimant to transfer from Olympia, Washington, to Schofield Barracks, Hawaii, as a first duty station move. The orders authorized a government shipment of claimant's HHG using a government bill of lading (GBL). In September 2019, claimant opted to self-move and transferred his HHG by commercial carrier. Claimant never made a cost comparison between the cost of the self-move and the cost of the Government moving the HHG.

Claimant submitted a claim for reimbursement of \$6676.21, the cost of shipping the 2557 pounds of HHG by commercial carrier. Since the original orders were for a

government move, claimant was reissued amended orders authorizing the self-move. DFAS reimbursed only \$3403.37, the Government's constructive cost for shipping the HHG. Claimant appealed to DFAS, claiming that he is entitled to the additional \$3272.84 because it encompassed the full and actual cost of transporting the HHG. DFAS advised claimant that the denial was based on a memorandum from the transportation office which determined how much the move would have cost the Government.

Subsequently, claimant filed this appeal arguing that he is entitled to the full cost of HHG shipment because he had to self-move due to lack of information, guidance, and direction. Furthermore, claimant argues that the delayed official transportation orders came after he had already arranged for and packed the shipment containers. DFAS argues that based on regulation and the transportation memorandum, claimant's reimbursement is limited to what it would have cost the Government to ship the HHG. Additionally, DFAS argues that authorization for reimbursement of the remainder of claimant's claim is not possible even if claimant received inadequate explanation or advice.

Discussion

When an employee transfers in the interest of the Government to their first post of duty outside the continental United States, the agency is required to pay for the relocation expenses, including the transporting of HHG and personal effects. 5 U.S.C. §§ 5722(a)(1), 5724(a)(2), (d). The Federal Travel Regulation (FTR) states that there are two methods of transporting HHG: (1) commuted rate system, in which the employee assumes "total responsibility" for the move; and (2) the actual expense method, in which the agency assumes responsibility for arranging and paying for the transportation of HHG. 41 CFR 302-7.14. While employees can choose either method, "reimbursement is limited to the actual cost incurred, not to exceed what the Government would have incurred under the method selected by your agency." 41 CFR 302-7.16.

As claimant is a civilian employee of the U.S. Army, the Joint Travel Regulations (JTR) apply to claimant's travel and relocation expenses. The JTR's rule on HHG reimbursement is consistent with the FTR. *See Michael R. Lujan*, CBCA 4613-RELO, 15-1 BCA ¶ 36,096. The JTR authorizes transportation of HHG by either the Government or the employee. JTR 0543. When a government move is authorized, an employee can choose to self move, but the Government will only reimburse "actual expenses, limited to what it would have cost the Government to ship the HHG," *id.*, and determined as the "'Best Value' cost of a Government-arranged move for the same HHG weight." JTR 054305-E.3(b); *see Caitlin C. Clinton-Selin*, CBCA 6797-RELO (July 16, 2020).

Even if claimant was poorly informed, the regulation clearly limits claimant's reimbursement for shipping HHG to the Government's constructive cost. Claimant alleges that he is entitled to the full actual cost of shipping the HHG because he was not told the method of the move until it was too late. Regardless of the method taken by the claimant, the FTR states that the reimbursement of relocation expenses is limited by the Government's constructive cost for the shipment of the same weight of HHG. *See* JTR § 054305-E.3(b). The JTR is consistent with the FTR when stating that if a civilian employee self-moves, the reimbursement is limited to the "best value" cost of a Government-arranged move. *See, e.g., Caitlin C. Clinton-Selin*. Following the JTR and the FTR, the Army determined the Government's constructive cost for the claimant's 2557 pounds of HHG was \$3403.37, and authorized payment for that amount. We find no basis in the record for concluding that this determination of the constructive cost was erroneous.

Claimant also argues that the untimely guidance and lack of information and direction resulted in him not knowing what the government cost would have been to ship the HHG. It is necessary for employees to conduct their own research and due diligence. *See Don H. Williamsen*, CBCA 2780-RELO, 12-2 BCA ¶ 35,181. Even if claimant was authorized to self-move, the FTR clearly states that the limitation on the Government's ability to fully reimburse out of pocket expenses is a disadvantage of using the commuted rate. 41 CFR 302-7.15. Furthermore, claimant speculated that the Government's cost would be more than a self-move rather than conducting a proper cost comparison. We have held that failure by the Army to provide sufficient guidance, information, or direction does not create an entitlement to reimbursement in excess of statute and regulation. *See Denise M. Szelag*, CBCA 5697-RELO, 17-1 BCA ¶ 36,813.

Decision

For the foregoing reasons, we deny Mr. Wahl's claim for additional reimbursement of relocation expenses.

Jonathan D. Zischkau
JONATHAN D. ZISCHKAU
Board Judge