



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 3, 2023

CBCA 7694-RELO

In the Matter of TINA C.

Tina C., Claimant.

William J. Cavanaugh, Chief, Central Programs Branch, Air Force Personnel Center, Department of the Air Force, Joint Base San Antonio-Randolph, TX, appearing for Department of the Air Force.

ZISCHKAU, Board Judge.

Claimant is a civilian employee of the Department of the Air Force. Claimant seeks to recover \$3214.26 in commercial storage costs for her household goods (HHG) associated with her relocation from Maryland to Hawaii. Due to an administrative error by the agency, claimant had no choice but to pay private storage expenses out-of-pocket. The agency is responsible for reimbursing claimant's storage costs.

Background

In 2021, claimant was relocated by the agency from her base in Maryland to Hawaii. When she accepted the position, the agency believed that the position was not a funded permanent change of station (PCS) because, the agency believed, it was locally funded. On July 17, 2021, before moving to Hawaii, claimant moved her HHG into private storage in Maryland at her own expense.

In August 2021, the agency discovered that the position should have offered a funded PCS, as it was centrally managed. On March 1, 2022, PCS order CF 0093 was issued. Section 16 of the PCS order, entitled "Other Authorized Expenses," authorized reimbursement for "temporary storage of HHG."

On May 9, 2022, the agency picked up claimant's HHG for transport to Hawaii. In August 2022, claimant requested reimbursement of her expenditure for the private storage of her HHG for the period July 2021 through May 2022 in the amount of \$3214.26. The agency agreed to reimburse her the constructive cost of government storage for twelve-and-a-half months, which amounted to \$619.88 (3306 (storage weight) x 12.5 months x \$1.50 (government monthly storage rate)). On March 10, 2023, claimant brought this claim to us.

Discussion

Claimant is an employee of the Department of Defense, and her relocation is governed by the Federal Travel Regulation (FTR) and the Joint Travel Regulations (JTR). Claimant's claim concerns the temporary storage of her HHG in a commercial storage facility. The FTR provides the following regarding temporary storage:

Who is eligible for the transportation and temporary storage of household goods (HHG) at Government expense?

....

(a) An employee transferred between official stations, within or outside the continental United States (CONUS).

41 CFR 302-7.1 (2021) (FTR 302-7.1).

What are the time limits for the temporary storage of authorized HHG shipments?

....

(b) *For shipments that include an OCONUS [outside the continental United States] origin or destination.* The initial period of temporary storage at Government expense may not exceed 90 days. You may request additional time, up to a maximum of 90 days, and you must make such a request prior to the expiration of the original 90 days.

FTR 302-7.9.

What are the reasons that would justify the additional storage beyond the initial 60 days CONUS and 90 days OCONUS limits?

....

- (e) . . . [O]ther circumstances beyond the control of the employee.

FTR 302–7.10.

What methods of transporting and paying for the movement of HHG, PBP&E [(professional books, papers, and equipment)] and temporary storage are authorized?

. . . .

- (b) *Actual expense method.* Under the actual expense method, your agency assumes the responsibility for arranging and paying for all aspects (e.g., packing/unpacking, pickup/delivery, weighing, line-haul, drayage, temporary storage, etc.), of transporting your HHG and PBP&E with a commercial HHG carrier.

FTR 302–7.14.

Must I use the methods selected by my agency for transportation and temporary storage of my HHG and PBP&E?

No, you do not have to use the method selected (see § 302–7.401) by your agency for transportation and temporary storage of your HHG and PBP&E. You may pursue other methods; however, your reimbursement is limited to the actual cost incurred, not to exceed what the Government would have incurred under the method selected by your agency.

FTR 302-7.16.

The JTR similarly provides that temporary storage of household goods ordinarily may not be approved in excess of the 180-day maximum, except in severely limited circumstances, to be evaluated on a “case-by-case basis,” with respect to “[Department of Defense] civilian employees who relocated and encountered unforeseen circumstances beyond their control.” JTR 054307-B (July 2021). Such extensions of the 180-day maximum period may only be authorized by the Per Diem, Travel, and Transportation Allowance Committee (PDTATAC). *Id.* In such cases, the PDTATAC considers various eligibility criteria, including serious illness or death, a long-term temporary duty deployment, transportation delays caused by embargos, acts of God, terrorism, and other circumstances beyond the employee’s control. JTR 054307-B.2. The JTR also restates the FTR’s limits on reimbursement for temporary storage to the Government’s constructive cost, JTR 054305-E.3(b), which in this case is \$619.88.

While the Board has not addressed these particular circumstances, the decision of one of our predecessor boards is instructive. In *Michael S. Knezevich*, GSBCA 14182-RELO, 98-1 BCA ¶ 29,414 (1997), the claimant had a PCS to Key West, Florida, and then shortly afterwards was sent on temporary duty (TDY) assignments to Puerto Rico and Miami, Florida. The claimant did not have time to find permanent housing in Key West before the TDY, and he put his HHG in storage for the length of the TDY assignments. The agency agreed to pay for 180 days of temporary storage, but denied reimbursement for the rest. The GSBCA granted reimbursement for the rest of the temporary storage. As the GSBCA explained:

[U]nder the portion of the FTR which deals with relocation allowances for employees who are transferred in the interest of the Government from one permanent duty station to another, 41 CFR ch. 302, an agency may pay for no more than 180 days of temporary storage of an employee's household goods. In our view, however, Mr. Knezevich's predicament was not solely attributable to such a transfer. The fact that the agency put him on temporary duty for the eleven months right after his reassignment occurred was the cause of his inability to find a permanent destination for his goods. Allowances for employees on temporary duty are covered by another part of the FTR, 41 CFR ch. 301. In this unusual circumstance of continuous, very long-term temporary duty, storage costs might more appropriately be considered a cost of travel rather than a cost of relocation. We therefore look to chapter 301 in addition to chapter 302 for guidance in determining whether the agency or the employee should pay for the last 149 days of storage.

We find relevant guidance in paragraph 301-9.1(e) of the FTR, which provides: "Miscellaneous expenditures not enumerated in this section, when necessarily incurred by the traveler in connection with the transaction of official business, shall be allowed when approved." Charges for the temporary storage of household goods are surely miscellaneous in the context of employees' travel, since only on rare instances might they be associated with travel. Mr. Knezevich, however, clearly incurred the charges in question as a direct result of the agency's orders that he go on temporary duty away from his new permanent duty station. The charges were therefore incurred, while traveling from that station, in connection with the transaction of official business. The agency approved payment of the charges (though it later believed that such approval was not permissible). Consequently, payment should be allowed as a cost of the claimant's temporary duty, even though it is not appropriately considered a cost of relocation.

Id. at 146,122.

In the present matter, the agency required claimant to relocate without PCS orders and prevented her from using government storage. Thus, as in *Knezevich*, claimant incurred the charges in question as a direct result of the agency's failure to issue PCS orders and allow the use of government storage.¹ We find this to be an unusual circumstance beyond claimant's control and not included within FTR 302-7 and treat the storage expense as a miscellaneous expense within FTR 302-16 (Allowance for Miscellaneous Expenses). Accordingly, under FTR 302-16, claimant is entitled to \$3214.26 for her storage costs which were incurred due to circumstances beyond her control.

Decision

The claim is granted.

Jonathan D. Zischkau
JONATHAN D. ZISCHKAU
Board Judge

¹ Claimant is entitled to storage expenses for more than 180 days because the Government did not issue her PCS orders until almost seven-and-a-half months after she moved to Hawaii and did not pick up her HHG for transport until almost nine-and-a-half months after she moved.