



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 22, 2010

CBCA 1983-RELO

In the Matter of RICHARD T. ROELL

Richard T. Roell, Waynesville, OH, Claimant.

Paul L. Davis, Chief, AF Excess Cost Adjudication Function, Personal Property Activity Headquarters, Department of the Air Force, San Antonio, TX, appearing for Department of the Air Force.

McCANN, Board Judge.

Background

Claimant, Richard T. Roell, a civilian employee of the United States Air Force, was transferred pursuant to permanent change of duty station orders from Florida to Wright Patterson Air Force Base in Ohio. As part of the transfer, and in accordance with statute and regulations, claimant shipped household goods from Florida to his new home in Waynesville, Ohio. Subsequently, claimant received a pay adjustment authorization dated February 17, 2010, from the Defense Finance and Accounting Service (DFAS). It indicated that the total net weight that he had shipped was 22,810 pounds and that he had exceeded the authorized shipping allowance of 18,000 pounds by 4810 pounds. DFAS calculated that a charge of \$5776.20 was attributable to the excess weight shipped. DFAS seeks repayment of this amount.

Claimant asserts that he should not have to pay for the excess weight shipped because he was advised by the contract carrier that the weight of his household goods would likely not exceed 18,000 pounds. Claimant further claims that had he known that his household goods weighed more than 18,000 pounds he would have removed a number of items that were of little value to him. Claimant essentially claims that he had no way of knowing that

the shipment exceeded 18,000 pounds, that he acted reasonably in estimating the weight, and that he should not have to pay for the excess weight shipped.

When an employee is transferred from one duty station to another, statute authorizes the agency to pay the expenses of transporting the employee's household goods "not in excess of 18,000 pounds net weight." 5 U.S.C. § 5724(a)(2) (2006). The statute leaves no room for compromise. An employee must pay all costs associated with the weight in excess of 18,000 pounds. *Steven P. Shafran*, CBCA 656-RELO, 07-2 BCA ¶ 33,603. The Joint Travel Regulations (JTR) likewise provide that the maximum net weight that may be transported at government expense is 18,000 pounds. JTR C5154-B.

Claimant's argument, that the process is not fair, that he was advised that he would likely not exceed the weight limit, and that he should not have to rid himself of personal belongings because of fear of exceeding the 18,000 pound limit, fails. We have previously held that the erroneous advice of a government agent does not entitle an employee to reimbursement for shipment in excess of the weight allowed by the statute. *Bruce Bryant*, CBCA 901-RELO, 08-1 BCA ¶ 33,737 (2007). Similarly, the failure of the agency to notify claimant of excess weight provides no basis for relief. *Marina A. Galindo*, GSBCA 15501-RELO, 02-1 BCA ¶ 31,775 (recovery denied even when the employee was informed before shipment that the weight of the shipment did not exceed 18,000 pounds, although it actually was 19,722 pounds).

Decision

The claim is denied.

R. ANTHONY McCANN
Board Judge