



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

November 8, 2011

CBCA 2370-RELO

In the Matter of RICHARD L. BEAMS

Richard L. Beams, Aberdeen, SD, Claimant.

Teresa Crews, Acting Chief, Division of Fiscal Services, Bureau of Indian Affairs, Department of the Interior, Reston, VA, appearing for Department of the Interior.

STEEL, Board Judge.

Claimant Richard L. Beams complains that the Government authorized a permanent change of station (PCS) move with reimbursement for transportation of his household goods (HHG) via the commuted rate method, but following his move, has taken the position that he may be reimbursed only actual moving expenses. Mr. Beams is correct; he is entitled to be paid pursuant to the commuted rate method.

An employee of the Department of the Interior's (DOI's) Bureau of Indian Affairs (BIA), Mr. Beams accepted a transfer in April 2010 from Pocatello, Idaho to Aberdeen, South Dakota, in the interest of the Government. He wished to move his belongings himself and submitted a PCS worksheet indicating his desire. On April 22, 2010, the BIA issued a Travel Authorization (TA) authorizing movement of Mr. Beams' HHG under the "commuted rate not to exceed \$10,917.75." The TA was signed by the DOI PCS Coordinator and the DOI Acting Regional Director.

Claimant Beams performed his move in May 2010. Following DOI policy, he obtained a weight certificate for his HHG, showing that the HHG weighed a total of 5060 pounds, and submitted all required documentation for reimbursement. The Government

declined to pay what Mr. Beams expected, asserting that he should be limited to actual expenses incurred.

The Federal Travel Regulation (FTR) sets out two different ways a transferred employee's household goods may be transported. Under the first, the "actual expense method," the Government assumes responsibility for awarding contracts and negotiating with carriers. It selects the carrier, arranges for packing and crating of the HHG, prepares a bill of lading, and pays charges incurred. 41 CFR 302-7.13(b), -7.200 (2009). Under the second, the "commuted rate method," which the BIA specified in Mr. Beams' TA, the employee makes his own arrangements, either selecting a carrier or arranging to transport his goods himself. An employee is to be reimbursed by the Government in accordance with published commuted rates, and reimbursement is a function of the weight of goods shipped and distance traveled, not the actual cost to the employee. 41 CFR 302-7.13(a), -7.100.

In support of its position that Mr. Beams is only entitled to the actual expense of transporting his HHG, the Government points to the DOI PCS Policy Guide, which states that "if an employee elects to move the household goods by privately owned (or rental) truck, the employee will be reimbursed allowable expenses; not to exceed the cost of the Actual Expense Method/Bill of Lading Method." DOI PCS Policy Guide at 7. The Government appears to misread the import of this advice, however, since the measure in fact means the Government need not pay more than provided under the "actual expense method" if that method is specified in a TA.

The FTR has made clear as a matter of general policy that where an individual transfer within the continental United States is involved, a commuted rate is preferred, principally because the Government is spared the various administrative expenses associated with an actual expense move, such as coordinating the move, arranging for a carrier, packing and crating, paying charges incurred, and processing loss and damage claims. *Mark W. Miller*, GSBCA 16497-RELO, 05-1 BCA ¶ 32,915. Here, the Government elected the commuted rate method as shown on Mr. Beams' TA, so Mr. Beams should receive the commuted rate amount, rather than the actual expenses of his move as defined by BIA.

As the FTR explains, under the commuted rate, the "charges for transporting HHG . . . are computed by multiplying the number of pounds shipped divided by 100 (within the 18,000 maximum limitation) by the applicable rate per one-hundred pounds for the distance transported." 41 CFR 302-7.100. Mr. Beams has provided the weight ticket showing that his HHG weighed 5060 pounds. The applicable rate can be found in the Household Goods Carrier Bureau tariff (issued by the Household Goods Carriers' Bureau, 1611 Duke Street,

Alexandria, VA 22314-3482) or by contacting a GSA travel management center or the appropriate office designated by DOI. 41 CFR 302-7.101.

CANDIDA S. STEEL
Board Judge