



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

---

March 27, 2013

CBCA 2370-RELO

In the Matter of RICHARD L. BEAMS

Richard L. Beams, Aberdeen, SD, Claimant.

Lynn Stapor, 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.

The Government has requested that the Board reconsider its decision in *Richard L. Beams*, CBCA 2370-RELO, 12-1 BCA ¶ 35,044 (2011). In that decision, we found that the claimant, Richard L. Beams, was entitled to be paid for transportation of his household goods (HHG) via the commuted rate method for his permanent change of station (PCS) from Pocatello, Idaho, to Aberdeen, South Dakota, in the interest of the Government. We held that the commuted rate method must be used to determine what he was owed because before his move the agency issued a travel authorization (TA) authorizing the movement of his HHG “under the commuted rate not to exceed \$10,917.75.” We so held despite the Government’s argument that he was only entitled to be reimbursed actual moving expenses:

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 [Department of the Interior] 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 Government argues in its request to reconsider that the Board's decision is erroneous because it conflicts with the DOI PCS Policy Guide, a policy developed under the Chief Financial Officers Act of 1990, 31 U.S.C. 901 et seq. (2006).

Board Rule 407 states, "The request for reconsideration should state the reasons why the Board should consider the request. Mere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration." In this case, the Government made the same and similar arguments before the initial decision was written. Therefore, the Board declines to reconsider the decision.

In the interest of clarity, however, we amplify our previous comments. Congress has determined that the Administrator of General Services is the official responsible for prescribing regulations necessary for the administration of subchapter II of chapter 57 of title 5, United States Code, regarding travel and transportation expenses of transferred employees and new appointees. The Administrator has prescribed, for this purpose, the Federal Travel Regulation (FTR), 41 CFR pt. 302. With regard to travel and transportation matters, DOI is free to promulgate only policy guidance which does not conflict with the FTR.

The FTR specifies that the commuted rate method is preferred for the transportation of household goods of a transferred employee. The TA issued to Mr. Beams, before he was transferred, was consistent with the FTR. An agency may not, after an employee has relocated under a permissibly-issued TA, revise the TA to decrease the benefits available to the employee. *Thelma H. Harris*, GSBCA 16303-RELO, 04-1 BCA ¶ 32,540 (2003); *K. Wesley Davis*, GSBCA 15623-TRAV, 02-1 BCA ¶ 31,680 (2001); *Cheryl A. Cadwell*, GSBCA 14148-RELO, 97-2 BCA ¶ 29,066. Having agreed to pay Mr. Beams for moving his goods under the preferred, commuted rate method, the DOI may not now reverse course simply on the ground that if it had taken different action earlier, it could have saved money.

---

CANDIDA S. STEEL  
Board Judge