



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 22, 2017

CBCA 5645-RELO

In the Matter of KATELYN J. REBBE

Katelyn J. Rebbe, Jonesboro, AR, Claimant.

Robin L. Kelley, Branch Chief, Financial Administrative Services, Natural Resources Conservation Service, Department of Agriculture, Tolland, CT, appearing for Department of Agriculture.

VERGILIO, Board Judge.

For the movement of claimant's household goods (HHG) to claimant's new duty station, the agency selected the actual expense method, not the commuted rate method. An estimate comparison (which regulation required) would have revealed that the latter method would be less costly to the Government. Because the authorization was inconsistent with regulation, the authorization is to be amended to reflect the commuted rate method and claimant reimbursed accordingly. Although the agency states that it does not authorize the commuted rate method, such a position is contrary to regulation.

As a new appointee, the claimant, Katelyn J. Rebbe, with an interstate move relocated to her permanent duty station within the continental United States, with a December 12, 2016, reporting date at the new duty station. The Natural Resources Conservation Service (agency) of the Department of Agriculture is the claimant's employer. Once the agency opted to pay or reimburse the claimant for relocation expenses associated with the move, the transportation of HHG became a mandatory allowance. 41 CFR 302-3.2 (2016) (Federal Travel Regulation (FTR) 302-3.2). The agency could authorize one of two methods in connection with the movement of HHG: the actual expense method (under which the agency assumes the responsibility for arranging and paying for all aspects of transporting household goods with a commercial carrier) or the commuted rate method (under which an employee

assumes total responsibility for arranging and paying for services, including packing/unpacking, crating/uncrating, pickup/delivery, and weighing, with or without a commercial carrier of the employee's choosing) and the agency reimburses the employee at a set rate based upon mileage and the actual weight of the HHG. FTR 302-7.14. The agency authorized the claimant to utilize the actual expense method.

The claimant was not required to use the authorized, actual expense method. However, when an employee opts not to utilize the authorized 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." FTR 302-7.16. The claimant moved herself (renting a vehicle to transport her HHG and tow her car). The agency has limited reimbursement to costs incurred. The claimant seeks \$3006.33, consisting of \$66.31 for mileage (349 miles x \$.19/mile), \$1000 for miscellaneous expenses, and \$1940.02 (56.20 x \$34.52) for payment under the commuted rate system.

The position of the agency is flawed, because given the facts, it could not have chosen the actual expense method. The agency did not make the cost comparison required by the FTR when selecting the method for the movement of HHG. The FTR dictates that an agency "must authorize actual expense or commuted rate, depending on which is less costly to the Government. You must then specify the selected method on the relocation travel authorization." FTR 302-7.401. The agency estimated a cost of \$4603.60 to the Government under the actual expense method. The agency did not make a cost comparison to the commuted rate method. For the purpose of the comparison (using the estimated weight and per hundred weight price for the mileage involved), the commuted rate calculation would have resulted in an estimated cost to the Government of \$2065.20.

The agency's selection of the actual expense method for the shipment of HHG was contrary to regulation. Although the agency indicates that it does not utilize the commuted rate method, such a policy is inconsistent with and contrary to the requirements specified in the regulation. Given what a proper estimate comparison would have revealed, the agency was required to select the commuted rate method. Under that method, the claimant is entitled to payment calculated using the actual weight of HHG transported and the rate in the commuted rate table applicable on December 12, 2016 (the date of reporting to the new duty station). FTR 302-7.100 to .102, 302-7.104. The calculation appears to be 5620 pounds times \$34.42/hundred weight for compensation of \$1934.40.

As a new appointee, the claimant is not entitled to a miscellaneous expenses allowance, FTR 302-16.3; thus, there is no entitlement to the \$1000 sought.

A privately owned vehicle (POV) is not HHG. FTR 300-3.1. Given that the move involved a distance of less than 600 miles, the agency could not authorize the transportation of the vehicle. FTR 302-9.301(e). Although the agency authorized the claimant to utilize a privately owned vehicle (POV) and to be reimbursed \$.19 per mile for the 349 mile trip, the claimant did not utilize the vehicle to get to the new duty station. The claimant's vehicle was not driven from her place of residence to her new duty station. The claimant has not demonstrated entitlement to mileage costs for towing her vehicle.

The claimant is entitled to be paid based upon calculations under the commuted rate method. The payment the claimant is to receive now is the calculated amount less any payments already received for the movement of HHG.

JOSEPH A. VERGILIO
Board Judge