



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 1, 2018

CBCA 5842-RELO

In the Matter of EDDIE H. BALL

Eddie H. Ball, Lexington Park, MD, Claimant.

Connie J. Rabel, Director, Travel Functional Area, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

O'ROURKE, Board Judge.

Claimant, a Department of Defense (DoD) civilian employee, performed a “personally procured move” (PPM) in connection with his official change of station from Rockville, Maryland, to Lexington Park, Maryland. The agency reimbursed claimant for actual expenses, but denied his request for an additional “incentive” amount, stating that civilian employees are not entitled to this benefit. Claimant sought our review. We deny the claim.

Background

Pursuant to permanent change of station (PCS) orders, dated January 26, 2016, claimant moved to Lexington Park to begin a new job with the Navy. The PCS orders identified claimant as a DoD civilian and authorized shipment of household goods (HHG) using a government bill of lading (GBL). The authorizations section of the orders stated: “Reimbursement is limited to the actual expenses incurred by the employee [not to exceed] the cost of a government arranged move for the same household goods.”

After receiving a copy of his orders by email, claimant used the DoD’s move portal (www.move.mil) to plan his move. He switched to the Navy’s system after experiencing technical problems with the DoD system. Claimant then received an email from the Navy property management office with three attachments related to the shipment of HHG and instructions for conducting a PPM. Claimant reviewed the information and emailed his Navy

contact to let her know he would be performing a PPM. Shortly thereafter, claimant, with assistance from family and friends, moved 6980 pounds of HHG to his new duty station and submitted a claim for reimbursement. The agency paid the actual expenses incurred (a little over \$200), but denied further reimbursement on the basis that the Joint Travel Regulations (JTR) do not authorize financial incentives for civilians who perform PPMs.

In his claim to the Board, claimant states, “I decided to perform a PPM move because I was made to believe that, as an incentive to move myself, the government would pay me a percentage of my Government Constructive Cost (GCC).”¹ He adds, “In almost every phase of performing my PPM, I was treated as though I was in the military.” “Furthermore, my councilors [sic] were all located on a military base (Fort Meade) and said I should get an incentive payment (probably because they assumed I was in the military).” Claimant argues, “There was no reasonable indication that the incentive pay the military receives would not be extended to me. It is unreasonable to think that I would move myself if I were not going to get an incentive payment when I could have had the government move me for free.”

Discussion

When an employee is transferred in the interest of the Government to a new duty station, the Government will pay the employee’s moving expenses, including “the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects not in excess of 18,000 pounds.” 5 U.S.C. § 5724(a)(2) (2012).

The JTR govern official change of station moves for both military members and civilian employees of the DoD. Although both categories of personnel utilize the same regulations to determine authorized benefits, the provisions differentiate between military and civilian moves.² Paragraph 5656 C.2. of the JTR addresses PPMs by civilians. It states:

a. The employee must make the necessary arrangements for the HHG move, and pay for the move.

b. Reimbursement is limited to actual expenses incurred by the employee, [not to exceed] the cost of a Gov’t arranged move for the same HHG weight (par. 010204 for allowable travel advances).

¹ According to claimant’s calculations, the GCC for 6980 pounds of HHG was approximately \$3369.

² A PPM was formerly referred to as a “Do It Yourself Move” or DITY move.

JTR guidance for military moves is found in chapter 5, subchapter 1 (PDT for Service Members), part C (HHG Transportation). Section 051502, paragraph C, identifies two methods of reimbursement available to military members who personally arrange transportation of HHG: the actual expense method and the monetary allowance method. Under the latter method, the service member or next of kin receives payment of a monetary allowance equal to 95% of the GCC for the actual HHG weight, up to the maximum authorized weight allowance.

Although the JTR do not authorize the monetary allowance method for civilians, they do offer the commuted rate schedule (CRS), established by the General Services Administration, where reimbursements are made on the basis of the weights and distances involved in a particular move. Paragraph 5656-D of the JTR permits civilian employees to make all of the arrangements for the move and receive reimbursement under the CRS. *Keith A. Plourd*, CBCA 1959-RELO, 10-2 BCA ¶ 34,544. However, the CRS must be authorized. In this case, it was not authorized. Furthermore, the CRS only applies to *interstate* moves. *Intrastate* moves, such as the one here, are not eligible for the CRS. JTR C5656-D(1)(b).

This does not mean that claimant was limited to a Government-arranged move. Even though claimant's orders authorized a GBL, he was permitted to move himself. However, "if an employee, whose move is authorized under the actual expense method, chooses to perform a self move, reimbursement is limited to the actual cost incurred, not to exceed what the Government would have incurred under the method selected." *Gene Kourtei*, CBCA 793-RELO, 08-1 BCA ¶ 33,724 (2007). This was the situation here. Claimant was authorized to ship his HHG under a GBL, but chose to move himself. Although this was permissible, his orders specifically limited reimbursement of his expenses to those that he actually incurred.

Regardless of whether agency personnel mistakenly believed he was a military member, or claimant mistakenly believed he was entitled to the same relocation benefits as military members, we cannot grant the requested relief. Claimant is a civilian, and his orders clearly identified him as such and authorized relocation benefits according to that status. "[W]here relevant statutes and regulations do not provide for payment for a particular purpose, an agency may not make such a payment." *Denise M. Szlag*, CBCA 5697-RELO, 17-1 BCA ¶ 36,813. While we understand the frustration often associated with impersonal, automated processes and receiving guidance by email, erroneous advice from government representatives does not provide a basis for reimbursement in the absence of authority. *Daniel V. Moren*, CBCA 5750-RELO, 17-1 BCA ¶ 36,899.

Decision

The claim is denied. To the extent that claimant has actual expenses for which he was authorized, but not reimbursed, he may submit a claim for those expenses in accordance with the proper procedures.

KATHLEEN J. O'ROURKE
Board Judge