



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 10, 2022

CBCA 7294-RELO

In the Matter of BRYCE S.

Bryce S., Claimant.

No appearance for United States Space Force.

CHADWICK, Board Judge.

This has been a protracted reimbursement dispute. The agency has not helped matters by declining to participate in this proceeding at the Board.* This decision should simplify a final resolution of the claim.

Claimant made an interstate move as a new hire in March 2021. His travel authorization, issued in February 2021, authorized shipment of his household goods by government bill of lading (GBL), although claimant had requested a self-move under the commuted rate method. *See* 41 CFR 302-7.401 (2020) (setting forth two methods of paying for shipment of household goods, “actual [government] expense” and “commuted rate”).

* The Board emailed a docketing notice in January 2022 to Christina M. Riegel-Fry, who the record shows is an installation travel officer in the travel office of the United States Space Force at Buckley Space Force Base in Colorado. We wrote again to Ms. Riegel-Fry in mid-February 2022 asking whether the agency would file a response to the claim. On March 1, 2022, a Board employee left Ms. Riegel-Fry a voice message advising her that the Board might decide the claim as soon as March 7, 2022. Ms. Riegel-Fry emailed the Board that “the appropriate agency for response” was at an Air Force email address which she courtesy copied. She did not provide the name of a contact. The Board has received no agency response at this writing.

In October 2021, Keith D. Steele, chief of the Civilian Permanent Change of Station Section of the Air Force Personnel Center, who was reviewing the claim, determined that “a cost analysis was not accomplished prior to the [issuance of the claimant’s travel] order.”

“If a cost comparison” between the two payment methods “is not made before the travel orders are issued, the commuted rate method applies.” *Larry D. Lewis*, CBCA 782-RELO, 07-2 BCA ¶ 33,687; *see Matthias M.*, CBCA 6965-RELO, 21-1 BCA ¶ 37,857; *Richard L. Beams*, CBCA 2370-RELO, 12-1 BCA ¶ 35,044 (2011) (“The [Federal Travel Regulation] 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”), *reconsideration denied*, 13 BCA ¶ 35,274; *Lawrence M. Ribakoff*, GSBCA 13892-RELO, 97-2 BCA ¶ 29,018.

Following the move, the agency retroactively amended claimant’s travel authorization to allow commuted rate reimbursement but then changed course again and notified him in October 2021 that “Mr. Steele . . . has advised that you will be reimbursed a[t] a GBL not commuted rate for your self-move.” The agency cited Joint Travel Regulation 010206 (March 2021), which states, among other things, “Travel authorizations and orders cannot be retroactively modified to increase or decrease an allowance.” Claimant sought our review, stating that he “wishes to seek reimbursement under the commuted rate.”

As seen above, claimant is entitled to the commuted rate because his travel authorization was issued contrary to law. One “disadvantage of using the commuted rate” for the employee is that “regulation clearly limits . . . reimbursement . . . to the Government’s constructive cost,” often under a constructive GBL. *Gregory T. Wahl*, CBCA 6785-RELO, 20-1 BCA ¶ 37,672 (citing 41 CFR 302-7.15). The amount of claimant’s reimbursement is an issue that “[t]he agency shall initially adjudicate” using the proper method. *See Board Rule 401(c)* (48 CFR 6104.401(c)) (2020)).

Decision

The agency shall process the claim consistent with this decision.

Kyle Chadwick
KYLE CHADWICK
Board Judge