



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 1, 2024

CBCA 8039-RELO

In the Matter of TOM K.

Tom K., Claimant.

Connie J. Rabel, Director, Travel Mission Area, Enterprise Solutions and Standards, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

KANG, Board Judge.

Claimant, pursuant to Board Rule 407 (48 CFR 6104.407 (2023)), filed a request for reconsideration of the Board's decision of May 20, 2024, *Tom K.*, CBCA 8039-RELO, 24-1 BCA ¶ 38,584. That decision denied claimant's challenge to the determination by the Defense Finance and Accounting Service that the household goods (HHG) shipped during his relocation in 2021 weighed in excess of the statutory and regulatory limits, resulting in a debt to the Government of \$2478.48. Familiarity with the prior decision is assumed. We deny the request.

Board Rule 407 provides that "[m]ere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration." Additionally, the Board will not grant reconsideration based on new arguments that could have been raised during the original proceeding. *See Byron B.*, CBCA 7125-RELO, 22-1 BCA ¶ 37,985, at 184,454 (2021); *Richard A. Keele*, CBCA 3862-RELO, 14-1 BCA ¶ 35,733, at 174,902.

Claimant raises three new arguments in support of his position that the excess weight charges were improper. The first two arguments rely on information that could have been, but was not, submitted to the Board during the original proceedings: (1) claimant argues that two of the weight tickets that were relied upon in the assessment of the debt for his excess

weight charge did not comply with regulations issued by the Department of Transportation, Federal Motor Carrier Safety Administration, and therefore must be disregarded; and (2) claimant submits new photos of the truck and trailer that delivered his HHG in 2021, which he contends show that the weight tickets were not for his HHG. Because this information could have been submitted to the Board in the prior proceedings, it does not provide a basis to reconsider our decision. *See Byron B.*, 22-1 BCA at 184,454; *Richard A. Keele*, 14-1 BCA at 174,902.

Claimant's third new argument concerns a move of his HHG in late May 2024, which occurred after our decision was issued. Claimant contends that the 2024 shipment of his HHG was overweight by an amount similar to that of the 2021 move, despite the fact that claimant's 2024 move included heavier items. Based on this alleged discrepancy, claimant contends that the weight of his HHG in 2021 must have been inaccurate. Claimant did not provide an inventory of the HHG items shipped and their individual weights for either move and therefore does not establish that the weight of the move in dispute was inaccurate or that, even by implication, the differences between the two inventories show that the first move was below the HHG weight limit. Thus, the new argument does not provide a basis to reconsider our prior decision. *See Alan Poleszak*, GSBCA 16693-RELO, 05-2 BCA ¶ 33,066, at 163,888 ("The burden of proving that certified weights for the movement of household goods are incorrect is exceedingly heavy and rests on the claimant. Agency determinations of net weight will be set aside only where a claimant can show clear and substantial evidence of error or fraud." (quoting *Robert G. Gindhart*, GSBCA 14288-RELO, 98-1 BCA ¶ 29,405, at 146,101 (1997))).

Claimant's request for reconsideration is denied.

Jonathan L. Kang
JONATHAN L. KANG
Board Judge