

TRANSPORTATION RATE CASES

Rule 301. Scope.

(a) **Authority.** 31 U.S.C. 3726(i)(1) provides that a carrier or freight forwarder may request the Administrator of General Services to review an action taken by the Audit Division of the General Services Administration's Office of Transportation and Property Management (the Audit Division). The Administrator has redelegated those functions to the Civilian Board of Contract Appeals.

(b) **Type of claim; review of claim.** These procedures apply to the review of claims made by a carrier or freight forwarder pursuant to 31 U.S.C. 3726(i)(1). The Board will issue the final agency decision on a claim based on the information submitted by the claimant, the Audit Division, and the department or agency (the agency) for which the services were provided. The burden is on the claimant to establish the timeliness of its claim, the liability of the agency, and the claimant's right to payment.

(c) **Filing method and computation of time.** Unless otherwise authorized by the Clerk, parties shall efile all submissions in accordance with Rule 1(b) ("efile; efilings"). Time periods are computed in accordance with Rule 3(a). See Rule 1(b) ("business days"). Efilings received by 11:59:59 p.m. (Eastern Time) are same-day filings. Efilings received at or after midnight (12:00 a.m. Eastern Time) are next-business day filings.

(d) **Location and hours.** See Rule 1(e) for the Board's location, telephone number, and email address and Rule 1(f) for the Clerk's office hours.

Rule 302. Filing Claims.

(a) **Form.** A claim must be in writing and signed by the claimant or by the claimant's attorney or authorized representative. No particular form is required. The request should describe the basis for the claim and state the amount sought. The request should also include:

- (1) The name, address, telephone number, and email address of the claimant;
- (2) The Government bill of lading or Government transportation request number;
- (3) The claimant's bill number;
- (4) The Government voucher number and date of payment;
- (5) The Audit Division claim number;
- (6) The agency for which the services were provided and, if known, the name, address, telephone number, and email address of the agency's contact person; and
- (7) Any other identifying information.

(b) **When claim is considered filed.** A claim is filed when it is received by the Clerk of the Board.

(c) Notice of docketing. The Clerk of the Board shall docket the claim and promptly provide a written notice of docketing to the claimant, the Director of the Audit Division, and the agency for which the services were provided. The notice of docketing will identify the judge to whom the claim has been assigned.

(d) Service of copy. The claimant shall provide the Audit Division and the agency identified in paragraph (a)(6) of this rule copies of all material provided to the Board. The claimant shall indicate that copies have been provided to the Audit Division and the agency.

Rule 303. Responses to Claim.

(a) Content of responses. Within 30 calendar days, the Audit Division and the agency for which the services were provided shall each submit to the Board:

- (1) A simple, concise, and direct statement of its response to the claim;
- (2) Citations to applicable statutes, regulations, and cases; and
- (3) Any additional information deemed necessary to the Board's review of the claim.

(b) Service of copy. Submissions to the Board shall indicate that a copy has been provided to the claimant and to the Audit Division or the agency, as appropriate. To expedite proceedings, if either the Audit Division or the agency will not file a response (e.g., it believes its reasons for denying the claim were sufficiently explained in the material filed by the claimant), it should notify the Board, the claimant, and the Audit Division or the agency, as appropriate, that it does not intend to file a response.

Rule 304. Reply to the Audit Division and Agency Responses.

A claimant may file a reply to the Audit Division and agency responses within 30 calendar days after receiving the responses. The claimant shall provide a copy of the response to the Audit Division and the agency. To expedite proceedings, if the claimant does not wish to respond, the claimant should so notify the Board, the Audit Division, and the agency.

Rule 305. Proceedings.

(a) Requests for additional time. The claimant, the Audit Division, or the agency may request additional time to make any filing.

(b) Conferences. The judge will not engage in ex parte communications involving the underlying facts or merits of the claim. The judge may hold a conference with the claimant, the Audit Division, and the agency at any time, for any purpose. The judge may provide the participants a memorandum reflecting the results of a conference.

(c) Submissions. The judge may require the submission of additional information at any time. The claimant, the Audit Division, or the agency may request an opportunity to make additional submissions; however, no such submission may be made unless authorized by the judge.

Rule 306. Decisions.

The judge will issue a written decision based upon the record, which includes submissions by the claimant, the Audit Division, and the agency, and information provided during conferences. The Board will provide the claimant, the Audit Division, and the agency a copy of the decision. In addition, all Board decisions are posted weekly on the Board's website.

Rule 307. Reconsideration of Board Decision.

The claimant, the Audit Division, or the agency may request reconsideration. A request must be received by the Board within 30 calendar days after the date the decision was issued. The request 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 reconsideration.

Rule 308. Payment of Successful Claims.

The agency for which the services were provided shall pay amounts the Board determines are due the claimant.