

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

October 24, 2000

GSBCA 15383-RELO

In the Matter of EBEN GREYBOURNE

Eben Greybourne, Grand Junction, CO, Claimant.

George M. Tengan, Chief Certifying Official, Travel Division, Department of Energy, Germantown, MD, appearing for Department of Energy.

DeGRAFF, Board Judge.

When an agency properly decides to use the Government Bill of Lading (GBL) method to ship a transferred employee's household goods and the employee decides to move the goods himself, the agency should reimburse the employee for actual expenses, up to the amount that the agency would have paid if the goods had been shipped using a GBL.

Background

In late 1999, Eben Greybourne, an employee of the Department of Energy (DOE), transferred from Illinois to Colorado. Before DOE prepared his travel orders, Mr. Greybourne stated that he intended to move his household goods himself, and he asked to be reimbursed for the move according to the commuted rate method. When household goods are moved using the commuted rate method, the employee is the shipper and is responsible for making arrangements for the move. The employee pays for the move and the Government reimburses the employee according to a schedule of established rates. When a transferred employee's household goods are moved using the GBL method, the Government arranges with a carrier to move the goods and then pays for the move according to a contract between the carrier and the Government. The Government is the shipper and the goods move according to a GBL. 41 CFR 302-8.3 (1999).

DOE determined that using the commuted rate method to ship 18,000 pounds of Mr. Greybourne's household goods would cost nearly \$25,000, and that using the GBL method would cost \$9970.96. Because of the cost savings to be gained by using the GBL method, and the employee's expressed desire to take responsibility for moving his own goods, DOE prepared Mr. Greybourne's travel orders to say, "Authorized use of a Uhaul to move household goods, not to exceed the cost of one lot shipment via GBL method."

Mr. Greybourne moved his household goods himself and submitted a voucher for \$10,483.21, which were his actual costs of moving 26,580 pounds of goods. DOE determined that only \$7100.28 of Mr. Greybourne's actual costs were attributable to the cost of moving 18,000 pounds.¹ Because a federal statute precludes the Government from paying to ship more than 18,000 pounds of household goods, 5 U.S.C. § 5724(a)(2) (1994 & Supp. IV 1998), DOE reimbursed Mr. Greybourne \$7100.28.

Mr. Greybourne believes that he should be reimbursed up to the amount that DOE would have paid to move 18,000 pounds of household goods using the GBL method, which DOE determined was \$9970.96. He asks for the difference between \$9970.96 and the \$7100.28 that DOE reimbursed him for his costs.

Discussion

DOE properly decided to use the GBL method for moving Mr. Greybourne's household goods. Although, as a general policy, agencies are supposed to use the commuted rate method for shipping a transferred employee's household goods, they may use the GBL method if the costs are determined in advance and if the GBL method will result in a savings of \$100 or more. 41 CFR 302-8.3. Here, DOE made a cost comparison before it prepared Mr. Greybourne's travel orders and determined that using the GBL method would result in a savings of several thousand dollars. DOE's decision to use the GBL method for moving Mr. Greybourne's household goods was, therefore, appropriate.

DOE miscalculated the amount due to Mr. Greybourne. If Mr. Greybourne had shipped his 26,580 pounds of household goods using the GBL method and if DOE had paid a carrier \$10,438.21 for that shipment, then Mr. Greybourne would have been obligated to reimburse DOE for the charges attributable to the weight in excess of 18,000 pounds. 41 CFR 302-8.3(b)(5). However, Mr. Greybourne did not ship his goods using the GBL method. He chose to move his goods himself. When an agency decides that the GBL method will be used and an employee chooses to move himself, the agency will reimburse the employee for his actual expenses not to exceed the amount the agency would have paid if the employee's household goods had been moved in one lot and on one GBL by the lowest cost carrier providing the level of service required. 41 CFR 101-40.203-2. Mr. Greybourne's actual expenses were \$10,438.21. If his goods had been moved using a GBL, DOE would have paid \$9970.96 to move 18,000 pounds of his household goods and some additional amount, for which Mr. Greybourne would have been responsible, to move the goods in excess of 18,000 pounds. Therefore, DOE should reimburse Mr. Greybourne for the \$9970.96 that it would have cost to move 18,000 pounds of his household goods using a GBL.

The claim is granted. DOE has already reimbursed Mr. Greybourne for \$7100.28, so it should reimburse him for an additional \$2870.68 (\$9970.96 - \$7100.28).

¹ Although DOE appears to have made computational errors in arriving at the \$7100.28 figure, this does not affect our review of this claim.

MARTHA H. DeGRAFF
Board Judge