

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

August 9, 2001

GSBCA 15563-RELO

In the Matter of JOE J. PUCKETT

Joe J. Puckett, Springfield, VA, Claimant.

R. Michael Imphong, Chief, Allowances Unit, Personnel Resources Compensation and Entitlements, Department of the Air Force, Washington, DC, appearing for Department of the Air Force.

GOODMAN, Board Judge.

Claimant, Joe J. Puckett, is a civilian employee of the Department of the Air Force. He received orders for a permanent change of station (PCS) and thereafter entered into a contract to construct a new residence at the new duty station. The agency authorized storage of household goods (HHG) for 180 days, the maximum time period allowable pursuant to the Joint Travel Regulations (JTR). JTR C8605.

Within one week of arrival at his new post of duty, claimant signed a construction contract with a six-month completion date. The builder was unable to obtain a county permit for the road, and therefore the completion date has been extended. Efforts by claimant to change temporary housing to accommodate the HHG have proved problematic and potentially expensive. The contract states that the scheduled completion date is to be six months from signing. However, it allows the builder twelve months from signing to complete the house.

Claimant has requested the agency issue a waiver of the time limitation for storage of household goods (HHG) due to unforeseen delays in the construction of the residence at his new duty station. The agency has correctly determined that there is no statutory or regulatory authority to compensate claimant for more than the 180 days of storage previously authorized by statute.

The agency has requested as follows:

Since the statutory limitation precludes authorization beyond the 180 days . . . , the agency requests that the Board send this matter to the Administrator of General Services for possible referral to the Congress as a meritorious claim

under the Meritorious Claims Act, 31 U.S.C. §3702(d)[(1994 & Supp. V 1999)].

Pursuant to the Travel and Transportation Reform Act of 1998, Pub. L. No. 104-264, 112 Stat. 2350, the Administrator of General Services has established a test program under which claims adjudged to be meritorious by the Board may be referred to the Deputy Associate Administrator, Office of Transportation and Personal Property (MT). MT, after consultation with officials from the Department of Defense and the Department of State, will then determine whether administrative relief should be granted for legal or equitable reasons. The purpose of the test program is to allow MT to achieve the same results as it would if the Meritorious Claims Act were utilized, but in a more efficient manner. Roy Katayama, GSBCA 15605-RELO (July 20, 2001).

In this instance, we decline to make the referral to MT for possible administrative relief under the test program. No agency action caused claimant's extended storage of HHG; the extended period was caused by his personal decision to build a house rather than purchase an existing house after the PCS. See Katayama.

The claim is denied.

ALLAN H. GOODMAN
Board Judge