

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

February 9, 2004

GSBCA 16325-RELO

In the Matter of DAVID J. PINTER

David Pinter, Bettendorf, IA, Claimant.

A. V. Easter, Site Manager, Transportation Payments Office, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

NEILL, Board Judge.

Mr. David J. Pinter has asked that we review a claim which the Defense Finance and Accounting Service (DFAS) has asserted against him for \$317.43. The amount is said to be due for the costs of transporting household goods in excess of the maximum weight which the Government, pursuant to regulation, is permitted to ship at its own expense.

In early May 2001, the Government shipped Mr. Pinter's household goods from Daleville, Alabama, to Bettendorf, Iowa. The shipment was occasioned by Mr. Pinter's release from active duty with the United States Army. At the time, the then-Captain Pinter was assigned to the Army's Transition Center at Fort Rucker, Alabama. As part of his separation from the military, he was advised that he was authorized to ship his household goods to his home of record or place of entry on active duty. The claim in question is the result of Mr. Pinter exceeding the maximum weight allowed for such a move under the Department of Defense's Joint Federal Travel Regulations.

In refusing to drop its claim for reimbursement, DFAS informed Mr. Pinter that he could attempt to rebut the claim by appeal to this Board. Mr. Pinter followed the advice and submitted a request for review in late November 2003. The case was docketed. The agency, in accordance with Board rules, submitted its report on the matter. Although given an opportunity to comment on the agency report, Mr. Pinter elected not to do so.

On review of the record now before us, we conclude that this matter is outside our jurisdiction. This Board has been authorized by the Administrator of General Services to exercise the authority which he has by law to settle claims involving expenses incurred by federal civilian employees for official travel and transportation. See 31 U.S.C. § 3702(a)(3) (2000). The same statute grants to the Secretary of Defense a similar authority with regard to claims involving travel and transportation of members of the uniformed services. Id. § 3702(a)(1). Mr. Pinter's authorization to move his household goods upon separation from

the military was not given to him as a civilian employee of the Federal Government. Rather, he received this benefit in his capacity as a member of the uniformed services.

Accordingly, we view this dispute as falling within the jurisdiction of the Secretary of Defense rather than the Administrator of General Services. We, therefore, dismiss the case for lack of jurisdiction and transfer the record, thus far developed, to the Department of Defense for resolution. See Kenneth Anderson, GSBCA 15195-TRAV, 00-2 BCA ¶31,013.

EDWIN B. NEILL
Board Judge