

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

January 19, 2006

GSBCA 16744-RELO

In the Matter of STEVEN W. ANDERSON

Steven W. Anderson, Redding, CA, Claimant.

Vickie Smith, PCS Supervisor, National Business Center, Bureau of Land Management, Denver, CO, appearing for Department of the Interior.

PARKER, Board Judge.

When Steven W. Anderson was transferred in May 2004 by the Department of the Interior's Bureau of Land Management (BLM), the moving company visited his home and estimated the weight of the household goods which were to be moved. The estimate was 17,172 pounds.

When the goods were actually weighed by a certified truck scale, the total weight of the goods proved to be 18,900 pounds, or 900 pounds over the maximum weight allowance for transportation of household goods. BLM has asked Mr. Anderson to pay the excess shipping charges, and he has asked the Board to review BLM's decision. Mr. Anderson maintains that he should not have to pay the additional charges because he relied on the mover's estimate of 17,172 pounds. He also states that he even removed some of his daughter's furniture prior to the actual move.

We hold that the agency was correct in asking Mr. Anderson to pay the excess shipping charges. Statute limits an agency's liability for transporting a transferred employee's household goods to the cost of moving no more than 18,000 pounds. 5 U.S.C.

§ 5724(a)(2) (2000); *see* 41 CFR 302-7.2 (2003). The cost of transporting any additional goods the employee may need to have moved is to be paid by the employee. *Jerry C. West*, GSBCA 16451-RELO, 04-2 BCA ¶ 32,764. Certified weight tickets are a common and accepted means of proving the weight of a shipment of household goods. *Jaime V. Mercado*, GSBCA 16313-RELO, 04-1 BCA ¶ 32,583. We have held that, “[t]he 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.” *Alan Poleszak*, GSBCA 16693-RELO, 05-2 BCA ¶ 33,066 (quoting *Robert G. Gindhart*, GSBCA 14288-RELO, 98-1 BCA ¶ 29,405 (1997)).

Mr. Anderson has not shown that the official weight used by the agency was in error. A pre-move estimate is just that -- an estimate. Although we can understand Mr. Anderson’s frustration, the best evidence available shows that he transported 18,900 pounds of household goods -- 900 pounds of which the Government is prohibited by statute from paying for. Accordingly, his claim must be denied.

ROBERT W. PARKER
Board Judge