



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 11, 2019

CBCA 6316-RELO

In the Matter of ANTHONY W. REED

Anthony W. Reed, Rocklin, CA, Claimant.

Anne M. Schmitt-Shoemaker, Deputy Director, Finance Center, United States Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

DRUMMOND, Board Judge.

In 2018, Anthony W. Reed, a civilian employee of the Army Corps of Engineers (agency), was transferred from Middleville, Michigan to a new permanent duty station in Sacramento, California. Mr. Reed has requested the Board's review of the agency's establishment of a debt in the amount of \$240.81, to recoup charges incurred for three extra days of storage in transit (SIT or temporary storage) of his household goods (HHG) paid by the agency incident to his permanent change of station move. For the reasons explained below, we sustain the agency's decision.

Mr. Reed's travel orders initially authorized sixty days of temporary storage of his HHG. Prior to the expiration of the initial sixty days, the agency approved Mr. Reed's request to extend temporary storage for an additional thirty days, through July 13, 2018. Mr. Reed's HHG remained in storage with the Government's transportation service provider for a total of ninety-three days, or three days beyond the ninety days authorized. The agency paid the transportation service provider \$240.81 for the three extra days of storage.

On October 29, 2018, the agency contacted Mr. Reed, advising that he owed the Government the amount of \$240.81 for the cost of temporary storage of household goods in excess of the ninety days authorized. Mr. Reed does not dispute the debt calculation. Rather, Mr. Reed alleges that an agreement was made with the transportation service provider that

he would not be charged for the extra days of storage. The agency disputes the existence of the alleged agreement. The record includes no evidence of the alleged agreement. Nor does the record include any evidence of a credit for the three extra days of storage. The agency determined that Mr. Reed is financially responsible for the additional storage expense.

Discussion

An employee who is transferred in the interest of the Government is entitled to be paid for the temporary storage of HHG which are being moved from the old duty station to the new one. 5 U.S.C. § 5724(a)(2) (2012). Under the Federal Travel Regulation (FTR), temporary storage of HHG at government expense for domestic shipments may not exceed sixty days unless additional time is requested and approved. 41 CFR 302-7.9(a) (2017). To the extent an extension of time is approved, “[u]nder no circumstances may temporary storage at Government expenses for . . . shipments [within the Continental United States] exceed a total of 150 days.” *Id.*

The Joint Travel Regulations (JTR), which implement and supplement the FTR with application to civilian employees of the Department of Defense, similarly provide that temporary storage of HHG ordinarily may not exceed the initial sixty days, unless an extension is requested and approved by a designated agency official. JTR 5670, 5672. Additional SIT may be authorized under the JTR due to serious illness or death, a long-term temporary duty assignment, non-availability of suitable civilian housing, awaiting completion of a residence under construction or renovation, acts of God, terrorism, and other circumstances beyond the employee’s control. JTR 5672-C.

Mr. Reed does not argue that the agency misapplied the regulations. Although Mr. Reed alleges that the transportation service provider agreed to waive the excess storage charges, there is no documentary evidence to corroborate such an agreement, and in any event this is a matter between the transportation service provider and claimant, not the agency.

The Board has no authority to waive the agency’s assessment of a debt based on a proper application of the FTR. *Evan F. Meltzer*, CBCA 1536-RELO, 09-2 BCA ¶ 34,272, at 169,317. The authority to waive a debt belongs to the head of the agency from which the debt arose. *Richard Rosa*, CBCA 3293-RELO, 13 BCA ¶ 35,339, at 173,460.

There are no circumstances shown here that would enable us to grant any relief. Accordingly, we affirm the agency’s determination.

Decision

The Board denies the claim.

Jerome M. Drummond
JEROME M. DRUMMOND
Board Judge