



United States Department of the Interior

OFFICE OF THE SECRETARY

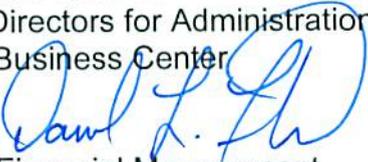
Washington, DC 20240

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FINANCIAL MANAGEMENT MEMORANDUM 2009-051 (Vol. X.E)

To: Bureau Chief Finance Officers
Bureau Assistant Directors for Administration
Director, National Business Center

From: Daniel L. Fletcher, 
Director, Office of Financial Management

Subject: Rules of Procedure for Transportation Rate Cases and Rules of Procedure
for Travel and Relocation Expenses Cases

Attached is a copy of pages 39096 through 39099, **Federal Register**, Volume 61, No. 145, dated Friday, July 26, 1996, which contain rules of procedure of the GSA Board of Contract Appeals applicable to the Board's review of claims made by a carrier or freight forwarder and claims of federal civilian employees.

The rules implement section 211 of the Legislative Branch Appropriations Act, 1996 (PL 104-53), which transfers certain functions of the Comptroller General to the Office of Management and Budget. The Office of Management and Budget has delegated the functions pertaining to transportation and travel expense claims to the General Services Administration.

Claims against the United States involving transportation, and civilian employee travel and relocation expenses formerly forwarded to the Government Accountability Office for settlement should now be forwarded to the General Services Administration Board of Contract Appeals in accordance with these rules.

If you have any questions regarding this information or if you require additional information, please contact Robert Smith (Robert_Smith@ios.doi.gov) on 202-208-5684.

Attachment

Replaces: FAM 97-013

GENERAL SERVICES ADMINISTRATION

48 CFR Part 6104

RIN 3090-AG06

Board of Contract Appeals; Rules of Procedure for Travel and Relocation Expenses Cases

AGENCY: Board of Contract Appeals, General Services Administration.

ACTION: Interim rule.

SUMMARY: This document specifies the rules of procedure of the GSA Board of Contract Appeals applicable to the Board's review of claims made by federal civilian employees against the United States for reimbursement of expenses incurred while on temporary duty travel or in connection with relocation to a new duty station. The rules are intended to implement section 211 of the Legislative Branch Appropriations Act, 1996 (Pub. L. 104-53), which transfers certain functions of the Comptroller General to the Office of Management and Budget (OMB), and which OMB has delegated to the General Services Administration. The Board requests written comments on the rules, which will expire one year from the date of publication in the Federal Register.

DATES: This rule is effective July 26, 1996. Comments must be submitted on or before January 22, 1997.

ADDRESSES: Written comments concerning this interim rule may be mailed to Margaret S. Pfunder, GSA Board of Contract Appeals, 18th and F Streets, NW., Washington, DC 20405, or sent electronically by using the following Internet address: Margaret.Pfunder@gsa.gov.

FOR FURTHER INFORMATION CONTACT:
Margaret S. Pfunder, Deputy Chief Counsel, GSA Board of Contract Appeals, (202) 501-0272.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The General Services Administration certifies that these revisions will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed revisions do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 501 et seq.

C. Background

Effective June 30, 1996, section 211 of the Legislative Branch Appropriations Act, 1996 (Pub. L. 104-53), transfers certain functions of the Comptroller General to the Director of the Office of Management and Budget, and authorizes the Director to delegate any of those functions to another agency or agencies. Effective the same date, the Director delegated some of the functions contained in 31 U.S.C. 3702—the authority to review claims made against the United States for

reimbursement of expenses incurred by federal civilian employees while on official temporary duty travel or in connection with relocation to a new duty station—to the Administrator of General Services, who redelegated that function to the Chairman of the GSA Board of Contract Appeals. In addition, the Administrator of General Services has delegated to the Board the authority to adopt and issue rules necessary for the resolution of these claims. This interim rule has been approved by majority vote of the Board's members.

List of Subjects in 48 CFR Part 6104

Administrative practice and procedure, Government procurement, Travel and transportation expenses.

For the reasons set out in the preamble, 48 CFR Part 6104 is added to read as follows:

PART 6104—RULES OF PROCEDURE FOR TRAVEL AND RELOCATION EXPENSES CASES

Sec.

- 6104.1 Scope [Rule 401].
- 6104.2 Filing claims [Rule 402].
- 6104.3 Response to claim [Rule 403].
- 6104.4 Reply to agency response [Rule 404].
- 6104.5 Proceedings [Rule 405].
- 6104.6 Decisions [Rule 406].
- 6104.7 Reconsideration of Board decision [Rule 407].
- 6104.8 Payment of successful claims [Rule 408].

Authority: Sec. 211, Pub. L. 104-53, 109 Stat. 535; 31 U.S.C. 3702; 41 U.S.C. 601-613.

Sec. 6104.1 Scope [Rule 401].

(a) Authority. Section 211 of the Legislative Branch Appropriations Act, 1996, Pub. L. 104-53, transfers certain functions of the Comptroller General to the Director of the Office of Management and Budget, and authorizes the Director to delegate any of those functions to another agency or agencies. The Director has delegate some of the functions contained in 31 U.S.C. 3702 to the Administrator of General Services, who has redelegated those functions to the General Services Administration Board of Contract Appeals.

(b) Types of claims. These procedures are applicable to the review of two types of claims made against the United States:

(1) Claims for reimbursement of expenses incurred while on official temporary duty; and

(2) Claims for reimbursement of expenses incurred in connection with relocation to a new duty station.

(c) Review of claims. Any claim for entitlement to travel or relocation expenses must first be filed with the claimant's own department or agency (the agency). The agency shall initially adjudicate the claim. A claimant disagreeing with the agency's determination may request review of the claim by the Board. The burden is on the claimant to establish the timeliness of the claim, the liability of the agency, and the claimant's right to payment. The Board will issue the final decision on a claim based on the information submitted by the claimant and the agency.

Sec. 6104.2 Filing claims [Rule 402].

(a) Filing claims. A claim may be sent to the Board in either of the following ways:

(1) Claim filed by claimant. A claim shall be in writing and must be signed by the claimant or by the claimant's attorney or authorized representative. No particular form is required. The

request should describe the basis for the claim and state the amount sought. The request should also include:

(i) The name, address, telephone number, and facsimile machine number, if available, of the claimant;

(ii) The name, address, telephone number, and facsimile machine number, if available, of the agency employee who denied the claim;

(iii) A copy of the denial of the claim; and

(iv) Any other information which the claimant believes the Board should consider.

(2) Claim forwarded by agency on behalf of claimant. If an agency has denied a claim for travel or relocation expenses, it may, at the claimant's request, forward the claim to the Board. The agency shall include the information required by Sec. 6104.3.

(b) Notice of docketing. A request for review will be docketed by the Office of the Clerk of the Board, and a written notice of docketing will be sent promptly to the claimant and the agency contact. The notice of docketing will identify the judge to whom the claim has been assigned.

(c) Service of copy. The claimant shall send to the agency employee identified in paragraph (a)(1)(ii) of this section copies of all material provided to the Board. If an agency forwarded a claim to the Board, it shall, at the same time, send to the claimant a copy of all material sent to the Board.

Sec. 6104.3 Response to claim [Rule 403].

(a) When a claim has been filed with the Board by a claimant, within 30 calendar days after docketing by the Board, the agency shall submit to the Board:

(1) A simple, concise, and direct statement of its response to the claim;

(2) Citations to applicable statutes, regulations, and cases; and

(3) Any additional information deemed necessary to the Board's review of the claim.

(b) A copy of these submissions shall also be sent to the claimant.

Sec. 6104.4 Reply to agency response [Rule 404].

If the claimant wishes to reply to the agency response, it must inform the Board within 10 calendar days after receiving the response. If the claim has been forwarded by the agency, the claimant shall have 10 calendar days from the time the claim is docketed by the Board to request the opportunity to reply. The judge will establish the time frame for submission of the reply.

Sec. 6104.5 Proceedings [Rule 405].

(a) Conferences. The judge will not engage in ex parte communications involving the underlying facts or merits of the claim. The judge may hold a conference with the claimant and the agency contact, at any time, for any purpose. The judge may provide the participants a memorandum reflecting the results of a conference.

(b) Additional submissions. The judge may require the submission of additional information at any time.

Sec. 6104.6 Decisions [Rule 406].

The judge will issue a written decision based upon the record, which includes submissions by the claimant and the agency, and information provided during conferences.

Sec. 6104.7 Reconsideration of Board decision [Rule 407].

(a) A request for reconsideration may be made by the claimant or the agency. Such requests must be received by the Board within 15 calendar days after the date the decision was issued. The request for reconsideration should state the reasons why the Board should consider the request.

(b) Requests for reconsideration are not favored. Mere disagreement with a decision or re-argument of points already made is not sufficient grounds for reconsidering the decision.

Sec. 6104.8 Payment of successful claims [Rule 408].

The agency shall pay amounts the Board determines are due the claimant.

Dated: July 18, 1996.

Stephen M. Daniels,
Chairman, GSA Board of Contract Appeals.

[FR Doc. 96-18655 Filed 7-25-96; 8:45 am]

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