

KEYWORDS: Joint Federal Travel Regulations (JFTR) and household goods (HHG)

DIGEST: According to the Joint Federal Travel Regulations (JFTR), Volume 1, Appendix A, household goods (HHG) do not include automobiles, trucks, vans, and similar motor vehicles.

CASENO: 2010-CL-060802.3

DATE: 11/16/2010

DATE: November 16, 2010

In Re:)
 [REDACTED]) Claims Case No. 2010-CL-060802.3
)
Claimant)

**CLAIMS APPEALS BOARD
RECONSIDERATION DECISION**

DIGEST

According to the Joint Federal Travel Regulations (JFTR), Volume 1, Appendix A, household goods (HHG) do not include automobiles, trucks, vans, and similar motor vehicles.

DECISION

A member of the United States Navy requests reconsideration of the October 4, 2010, decision of the Defense Office of Hearings and Appeals (DOHA), in DOHA Claim No. 2010-CL-060802.2. In that decision, this Office denied the member's claim for reimbursement for the transportation of his 1985 Toyota pick-up truck which was modified for off-road use incident to his permanent change of station (PCS) move in late 2009 and early 2010.

Background

The record shows a member of the U.S. Navy was directed to PCS in December 2009, from Monterey, California to Newport, Rhode Island, not later than January 10, 2010. The member executed and signed a DD Form 2278, *Application for Do It Yourself Move and*

Counseling Checklist, which authorized the transportation of his household goods (HHG) as a do-it-yourself (DITY) move. Among the property that the member transported was a 1985 Toyota pick-up truck. The record shows conversion of the truck entailed the replacement of, or modifications to, the steering gear, fuel system, wheels, tires, exhaust and emissions system, exterior lights, suspension, and passenger restraint system. The member stated that these changes, plus limited driver visibility, a maximum safe speed of 35 miles per hour, and the absence of a windshield, make it no longer legal to drive on the street. In fact, the member surrendered his vehicle title to the state of California, and obtained an off-highway title for the vehicle. The member stated that there is no legal provision for reversing this process. The member argues that the off-road vehicle no longer meets the requirements for a privately-owned vehicle (POV), but legally is the same as an ATV (all terrain vehicle) or a snowmobile. The member claimed reimbursement for the off-road vehicle (1985 Toyota) and the trailer used to transport it on January 19, 2010. The Department of the Navy, Fleet and Industrial Supply Center, HHG Audit Team Division, Norfolk, Virginia, questioned the member regarding the claim of the off-road vehicle and the trailer used to transport it. The member repeated his assertions to the HHG Audit Team that since the off-road vehicle does not qualify as a POV, it is legally similar to an ATV or snowmobile and should be treated as HHG. He also maintained that since the trailer was used to transport a vehicle other than a POV, it is also a HHG item. The HHG Audit Team contacted the Per Diem, Travel and Transportation Allowance Committee (PDTATAC). PDTATAC advised the HHG Audit Team by e-mail dated May 6, 2010, that the “truck is not HHG it is a POV (Toyota pickup) modified for off road use . . . [PDTATAC] appear to have some history on denying these type items. I might also add it is an automobile/truck which is specifically identified as not being HHG.” The Fleet and Industrial Supply Center denied the member’s claim on May 19, 2010, on the grounds that it is a POV, and while modified for off-road use, it fits within the definition in the JFTR of a POV and thus cannot be considered as HHG. A final administrative decision by the Navy was issued September 20, 2010, and they determined that the items moved (truck and trailer) were not HHG and were not authorized movement at government expense, for the same reasons as noted by the PDTATAC. The member appealed to this Office and the adjudicator determined that the truck (which he referred to as an ATV) and trailer were not HHG. The adjudicator also pointed to the large difference in weight between the ATV and the items with which the member was attempting to compare; *i.e.*, snowmobile, golf cart. The member then requested reconsideration of this decision from our Office in an undated letter which was received by fax on November 3, 2010, followed by the original by first class mail on November 8, 2010. The member disputed the weight amount of the off-road truck attributed by the adjudicator.

Discussion

The well established rule is that reimbursement may be paid only for an expense authorized by statute or regulation. *See* Comptroller General Decision B-205113, Feb. 12, 1982. 1 JFTR U5305 states, “A member is authorized HHG transportation or NTS [non-temporary storage] when the member is ordered to perform a PCS move.”¹ A detailed definition of HHG is found in 1 JFTR Appendix A1 (emphasis in original):

¹ JFTR citation updated through Change 276, December 1, 2009.

HOUSEHOLD GOODS (HHG). Items . . . associated with the home and all personal effects . . . belonging to a member and dependents on the effective date . . . of the member’s PCS or TDY [temporary duty] authorization/order that legally may be accepted and transported by an authorized commercial transporter.

A. HHG also include: . . .

5. A vehicle other than a POV (such as a motorcycle, moped, hang glider, golf cart or snowmobile (and/or the associated trailer)); . . .

B. HHG *do not* include: . . .

2. Automobiles, trucks, vans and similar motor vehicles . . .

The member argued that his 1985 Toyota pick-up truck was the functional and legal equivalent of an ATV, golf cart, or snowmobile. The adjudicator in the appeal decision referred to the pick-up truck as an ATV, but there is no category in the JFTR that defines an ATV, therefore, it was a descriptive phrase. There seems to be a discrepancy regarding the weight of the modified 1985 Toyota pick-up truck. The record does not contain evidence to support the actual weight of the modified pick-up truck, but that does not definitively determine whether the item will be classified as HHG or not. The adjudicator was attempting to differentiate the pick-up truck from other, larger items that are currently allowed as HHG under the JFTR.²

This Office understands the argument the member is making, and over time other items have become defined as household goods due to the changing perception of the context of their use; *i.e.*, snowmobile, small boat, golf cart, etc. However, a pick-up truck, whether modified or not, is not one of them. Despite the member’s use of the vehicle as a hobby, the fact is it is a privately owned vehicle (POV), and the JFTR is clear that HHG includes a vehicle other than a POV, and does not include automobiles, trucks, vans, and similar vehicles. The 1985 Toyota pick-up is a POV, and as such, not HHG. Since the pick-up truck is not considered to be HHG, the trailer may not be included with it as HHG.

Conclusion

The member’s request for reconsideration is denied, and we affirm the October 4, 2010, appeal decision denying the member’s claim. In accordance with the Department of Defense

² See 67 Comp. Gen. 230, B-228803, Feb. 5, 1988, *Matter of: Uniformed Service Members’ Household Goods—Small Boats and Canoes Included*. The definition of household goods was revised to include small boats and canoes, so that such articles could be moved at government expense. The uniformed services recommended the change because many members had a small boat or canoe that they used for recreational purposes or in pursuit of their hobbies. The Comptroller General noted that they had repeatedly observed that “baggage,” “household effects” and “household goods” are general terms not limiting themselves to precise definition, but varying in scope depending upon the context in which they are used. This case noted the change in the early 1970’s when a snowmobile could not be included in household goods, and they defined a class of sports or hobby equipment (which included boats, trailers, and airplanes) which were not considered household goods. Today the JFTR defines HHG as including: “5. A vehicle other than a POV (such as a motorcycle, moped, hang glider, golf cart or snowmobile (and/or the associated trailer)); 6. A boat or personal watercraft . . . ; 7. Ultralight vehicles . . .”

Instruction 1340.21, ¶ E7.15, this is the final administrative action of the Department of Defense in this matter.

///Original Signed///

Michael D. Hipple
Chairman, Claims Appeals Board

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