



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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B-176612

November 8, 1973
40174

Navajo Freight Lines, Inc.
1205 South Platte River Drive
Denver, Colorado 80223

Attention: O. A. Osburn
Overcharge Claim Agent

Gentlemen:

Reference is made to our letter dated August 28, 1973, B-175309, et al., where we informed you that at your request we would review the action taken by our Transportation and Claims Division on two shipments; that moving under Government bill of lading (GDL) E-6792700, your claim number 012644, our B-176611, and that moving under GDL E-0434217, your claim number 036229, our B-176612.

Your claim number 012644 involves a GDL which was prepared July 24, 1970, to cover the movement of 7 cartons and 8 wooden boxes of "electronic equipment, NOI," weighing 6,120 pounds, from Syracuse, New York, to San Pedro, California. The shipment was tendered to you on July 24, 1970, and was delivered to the consignee at San Pedro on August 6, 1970. A notice of overcharge, dated August 23, 1971, for \$122.40, was issued against you. You protested this action, stating that we furnished no evidence to support the overcharge in that "electronic equipment, NOI," is not a ratable description. The overcharge was collected by deduction on May 10, 1972, and your claim for the amount deducted was disallowed by our Settlement Certificate dated February 7, 1973 (our claim No. TK-952783).

We find that the commodity shipped was "electronic equipment, NOI" as described in the National Motor Freight Classification (NMFC) A-11, MF-I.C.C. 13, item 61700, and that Rocky Mountain Motor Tariff Bureau (RMTB) 21-C, item 2470, is for application. This determination is clearly supported by the Material Inspection and Receiving Report, and covering letter from the consignee, copies of which were furnished you by our Transportation and Claims

[Review of Overcharges on Two Shipments]

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Division on February 7, 1973. Therefore, we concur with the action taken by our Transportation and Claims Division on this shipment and its disallowance of your claim for \$122.40 is sustained.

Your claim number 036229 involves a G.M. which was prepared December 9, 1969, to cover the movement of 45 wooden boxes and 6 skids of internal combustion engine parts, weighing 20,455 pounds, from McCook, Illinois, to Oakland, California. The shipment was tendered to you on December 12, 1969, and was delivered to the consignee at Oakland on December 17, 1969. A notice of overcharge, dated February 12, 1971, for \$104.34, was issued against you. You protested this action contending that we did not distinguish between internal combustion engine parts and automobile engine parts, but rather only advised you that the parts were for diesel engines. You noted that both automobiles and trucks utilize diesel engines so that the commodity shipped could well have been rated under N.T.C. A-10, item 10559, rather than under item 133390. The overcharge was collected by deduction on October 16, 1971, and your claim for the amount deducted was disallowed by our Settlement Certificate dated November 22, 1972 (our claim No. 03-257311).

We find that the commodity shipped was internal combustion engine parts, N.T.C. item 133390, sub 4, and that N.T.C. 22-B, item 1019 and N.T.C. 25-C, commodity group number 03 are for application. This determination is clearly supported by a letter from the Department of the Army, stating that the internal combustion engine parts were for other than automobiles or trucks. A copy of this letter was furnished to you by our Transportation and Claims Division on November 29, 1972. Therefore, we also concur with the action taken by our Transportation and Claims Division on this shipment and its disallowance of your claim for \$104.34 is sustained.

Sincerely yours,

Paul G. Harding

For the Comptroller General
of the United States