



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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OFFICE OF GENERAL COUNSEL

In reply refer to:
B-196774

JUL 7 1981

Mr. Joseph B. Marcotte, Jr.
Box 2553
Billings, Montana 59103

Dear Mr. Marcotte:

We refer further to your letter dated March 30, 1981, in which you again request reconsideration of that part of the Comptroller General's decision B-196774, August 19, 1980, which disallowed your claim for the value of packing services you provided incident to the transportation of your household goods to Billings, Montana. You continue to ask that the value of such services be credited against your liability for the cost of shipping household goods in excess of the maximum weight limitation.

The record shows that your household goods were shipped under the "actual expense" method, under which the contract for shipment is between the Government and a designated carrier and the Government pays the carrier directly. See paragraph 2-8.3b of the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973). As stated in the decision of August 19, 1980, and our letter of March 25, 1981, there is no basis under the applicable regulations for the Government to reimburse you for the packing services you performed even though the expense of such services would have been reimbursable if provided by the carrier. B-169407, October 19, 1970, and Alex Kale, 55 Comp. Gen. 779 (1976), copies enclosed.

While it is unfortunate that you may have been led to believe that you would receive a credit for the value of the packing services you provided, we must remind you that the Government cannot be bound by the unauthorized or incorrect statements of its agents or employees. See Elton L. Smalley, B-181311, August 21, 1974, and court cases cited therein, copy enclosed.

Since you have not provided any new evidence or legal argument your request does not provide a basis for reconsideration of the decision of August 19, 1980. As we have previously advised you, there is no authority by which we can excuse any part of your indebtedness to the Government for the cost of shipping your household goods which were in excess of the 11,000 pound maximum weight limitation.

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We regret that a favorable reply to your request for reconsideration is not possible.

Sincerely yours,

ES/

Edwin J. Monsma
Assistant General Counsel

Enclosures