

**DECISION**

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

FILE: **B-182648**DATE: **DEC 8 1975**

60267

097630

MATTER OF: **Marylinda Wheeler - Excess transportation and temporary storage costs** 097630

## DIGEST:

1. Under 2 JTR para. C7053 employee returning from overseas for separation where Government quarters are provided is authorized to ship 2,000 pounds of household goods and temporarily store these goods for 60 days. Although employee made every effort to avoid excess weight, she was not advised of the excess weight until it was too late to reduce the shipment. Additionally she exceeded the time-limit for temporary storage as a result of delay in agency responding to her request for amended orders. There is no authority for the Government to pay transportation and temporary storage costs in excess of that authorized by regulation.
2. Employee returning from overseas for separation was authorized to ship professional books, papers, and equipment in addition to the weight authorized for shipment of household goods. However, employee's claim that certain items should have been shipped as professional goods and not included in the weight of household goods may not be allowed since these items were not separately packed, marked, weighed, or declared as required by regulations. Moreover, weight that might have been deducted for these items cannot now be properly determined.

This action is a reconsideration of a settlement certificate issued by the Transportation and Claims Division of our Office on June 4, 1974, disallowing the claim of Miss Marylinda Wheeler for reimbursement for the excess costs of transportation and temporary storage of her household goods incident to her separation from overseas employment with the Department of the Air Force.

In 1973 Miss Wheeler returned to the United States from Japan incident to her separation as a teacher for the overseas dependent schools. By a travel order dated April 24, 1973, she was authorized to transport not to exceed 2,000 pounds of household goods and to temporarily store such goods for not more than 60 days at Government

B-182648

expense. In addition she was authorized to ship at Government expense her professional books, papers, and equipment and not to exceed 350 pounds of unaccompanied baggage. However, the total net weight of the unaccompanied baggage and household goods shipped by Miss Wheeler exceeded the total authorized weight by 1,527 pounds. Accordingly she was requested to pay and has paid the Government \$645.77 for the cost of transporting this excess weight.

When Miss Wheeler signed the application for shipment and temporary storage of her household goods, she noted on the application that she wanted to be notified of any excess costs before shipment. She was notified of the excess cost when she was at the airport for her departure from Japan. Pursuant to the advice of a transportation management officer, Miss Wheeler requested an amendment of her travel orders to increase the weight authorized instead of immediately paying the excess transportation costs. Since her household goods could not be released by the shipper until the excess costs had been paid, her household goods remained in temporary storage pending the outcome of her request for amended orders. Due to the length of time involved in advising her that her orders could not be amended, she exceeded the 60-day period authorized for temporary storage, and thus incurred additional expense for temporary storage of her household goods.

Miss Wheeler does not believe that she should be required to pay for the cost of transporting the excess weight or the cost of temporary storage beyond the period authorized. Miss Wheeler states, and the record supports her statements, that the weight of her household goods had been estimated as being less than 2,000 pounds and that she had taken various actions to avoid exceeding the weight limitation. In view of this, and the fact that she was not notified of the excess cost until it was too late to remove any goods from the shipment, she believes that the Government should assume responsibility for the excess cost. Further, she contends that a portion of the household goods shipped by her should have been excluded from the total weight as being professional equipment. Specifically, she believes that her golf clubs which she used to teach physical education and her filing cabinet should have been shipped as professional equipment. She also indicates that the weight of household goods authorized for shipment overseas was recently reduced and that when she originally went overseas she had been authorized to ship a greater weight of household goods. Finally, she believes that the Government should pay the cost of temporarily storing her household goods beyond the authorized

B-182648

period since this cost was incurred as a result of the length of time it took to inform her that the amendment of her orders which she had been advised to request could not be granted.

Paragraph C7053-3 of volume 2, Joint Travel Regulations (change 88, February 1, 1973) provides that the 2,000 pound limitation of 2 JTR para. C7052-1b, applicable to employees without dependents shipping household goods to specifically designated overseas stations, applies equally to return shipments from overseas areas. In this regard Air Force Manual 75-4 para. 1-4d (November 13, 1970) designates Japan as an area to which the 2,000 pound limitation is applicable. Although it is unfortunate that the estimated weight of Miss Wheeler's household goods was not more accurate and that she was not notified sooner of the excess cost, these factors do not provide any basis for authorizing the transportation of household goods in excess of the weight limitation prescribed by regulations. The only exception which could be considered in the present case is that part of 2 JTR para. C7053-3 (change 88, February 1, 1973) which provides that the weight limitation will not apply retroactively to household goods shipped overseas prior to the effective date of the limitation.

In this regard, Miss Wheeler has indicated that she was originally authorized to ship more than 2,000 pounds of household goods overseas. The record does not support her statement. By orders issued incident to Miss Wheeler's transfer to Japan and her transfer within Japan, dated May 14, 1969, and May 6, 1971, respectively, she was authorized a combined weight of 5,000 pounds which included both shipment and nontemporary storage of household goods. Both travel orders limited shipment of household goods to 2,000 pounds with the balance of the combined weight of 5,000 pounds allowable in the orders of May 14, 1969, limited to storage only. Moreover, the travel order dated May 14, 1969, recommended that shipment of household goods to Japan not exceed 750 pounds because of the lack of space in bachelor type quarters. Since the weight authorized to be shipped to Japan is the same as that authorized by 2 JTR para. C7053-3 (change 88, February 1, 1973) to be returned from such areas, we are not aware of any authority for the Government to pay the cost of transporting more than 2,000 pounds of Miss Wheeler's household goods.

Concerning Miss Wheeler's claim that certain items should have been treated as professional books, papers, or equipment and the weight excluded from the 2,000 pound limitation, the record indicates

B-182648

that Miss Wheeler was authorized and did transport at Government expense 410 pounds of professional books, papers, and equipment. However, the equipment referred to by Miss Wheeler consisted of golf clubs and a filing cabinet which were not separately packed, marked, or weighed as required by AFM 75-4 para. 1-5c (November 13, 1970). Moreover, Miss Wheeler did not declare those items as professional equipment on the declaration signed by her which informed her that such a detailed itemization was mandatory under the provisions of AFM 75-4 (November 13, 1970). Moreover, the items in question were not separately marked, packed, weighed, or declared prior to shipment; hence, under applicable regulations, a weight for these items may not be deducted from the total weight of household goods shipped.

Concerning the cost incurred by Miss Wheeler for temporary storage of her household goods, 2 JTR para. C7053-4 (change 88, February 1, 1973) provides that temporary storage of household goods shall be allowed for a period not to exceed 60 days incident to an employee's entitlement to shipment of household goods. However, there is no authority to authorize or pay an employee for the expense of temporarily storing her household goods in excess of 60 days. Accordingly, there is no authority to pay the expenses incurred by Miss Wheeler during the period she was waiting for a response to her request for amended orders and temporarily stored her household goods in excess of the authorized 60 days.

In view of the above, the settlement of June 4, 1974, is sustained.

Sincerely yours,

R.F. KELLER

Deputy Comptroller General  
of the United States