

DECISION



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

Modified by B-180439, Mar. 23, 1976

FILE: B-180439

DATE: SEP 13 1974

MATTER OF: Dr. _____ - Movement of household effects.

DIGEST: In the case of travel of member of the uniformed services from last place of duty to retirement home payment for movement of household effects is governed by chapter 8 of JTR, Volume 1. Under paragraph M3007 the member is liable for payment of additional costs arising from (1) excess distance; (2) shipment of unauthorized articles; (3) excess weight. Abnormal accessorial charges are also chargeable to the member under paragraph M3009. No authority exists for reimbursement of rental of trailer and hitch.

This is a decision rendered at the request of the Chief Fiscal Officer, Health Services and Mental Health Administration, Public Health Service (PHS), on the liability of that agency for payment of charges for transportation of the household effects of Dr. _____, a commissioned officer of the United States PHS, from his residence at Potomac, Maryland, to the home to which he retired upon release from active duty on June 12, 1973.

Among the enclosures to the submission is a Permanent Change of Station Order authorizing travel from Rockville, Maryland, to Philadelphia, Pennsylvania. Also enclosed are a household goods bill of lading from Capitol Moving and Storage Company showing the movement of 18,760 pounds of household effects from Potomac, Maryland, to Mountain Top, Pennsylvania, at a cost of \$2,648.19; a form DD619, Statement of Accessorial Services performed in an amount of \$303; and a voucher submitted by Dr. _____ claiming reimbursement for rental of a trailer and hitch in an amount of \$54.81 and for mileage between Washington, D. C., and Philadelphia, Pennsylvania. Specifically, our decision is requested as to whether the enclosed travel voucher in the amount of \$62.97, the bill for accessorial services in the amount of \$303 and the Public Voucher for Transportation Charges, Carrier's Bill No. 73-0012 in the amount of \$2,648.19 may properly be certified for payment.

Section 404(a) of title 37, United States Code, provides in pertinent part that:

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"(a) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel performed or to be performed under orders, without regard to the comparative costs of the various modes of transportation—

"(1) upon a change of permanent station, or otherwise * * *."

Section 406(b) of title 37, United States Code, provides that:

"(b) In connection with a change of temporary or permanent station, a member is entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement therefor, within such weight allowances prescribed by the Secretaries concerned, without regard to the comparative costs of the various modes of transportation."

Implementing regulations governing the movement of household effects under the circumstances prescribed by law are found in the Joint Travel Regulations, Volume 1, chapter 8. Paragraph M300-6 defines, as a form of permanent change of station, release from active duty.

Specific regulations governing shipment of household effects upon relief from active duty are found in paragraphs M3259, M4157 and M1150-3, as follows:

"M3259 SEPARATION FROM THE SERVICE OR RELIEF FROM ACTIVE DUTY

"1. GENERAL. A member on active duty who is separated from the Service or relieved from active duty * * * is entitled to shipment of household goods to the place elected by the member for his travel allowance under par. M4157 from whichever of the following is applicable:

"1. the last or any previous permanent duty station,

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- "2. a designated place to which transported at Government expense,
- "3. a place of authorized storage.

Shipments may be made between places other than the places stated herein subject to the member's payment to the Government of all costs of shipment in excess of shipment from the place of authorized origin to the place elected by the member for his travel allowance under par. M4157 (see par. M3009). If, under the provisions of par. M3009, the member elects to ship household goods to a destination other than the place to which he has elected to receive travel allowances under par. M4157 his payment to the Government for excess costs will be computed on the basis of the cost that would have been incurred by the Government for shipments of a like weight of household goods in one lot from the last permanent duty station or the actual location of the household goods, whichever would result in a lower cost to the Government, to the place to which the member elects to receive travel allowances for his travel under par. M4157.

"M4157 SEPARATION FROM THE SERVICE OR RELIEF FROM ACTIVE DUTY

"1. General

"a. Travel Within the United States. A member on active duty who is separated from the Service or relieved from active duty under conditions prescribed in subpar. 2 or under conditions other than those outlined in subpars. 3 through 5 or par. M4158-1a will be entitled to mileage from his last duty station to his home of record (par. M1150-3a) or the place from which he was ordered to active duty (par. M1150-11), as the member may elect. * * * (Underscoring supplied.)

The definition of "home of record" for purposes of the regulations is given in paragraph M1150-3, as follows:

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"a. Home of Record. The term 'home of record' means the place recorded as the home of the individual when commissioned, reinstated, appointed, reappointed, enlisted, reenlisted, inducted, or ordered into the relevant tour of active duty. * * *"

The travel authorization issued shows as Dr. _____ home of record the city of Philadelphia, Pennsylvania, the place to which, as noted above, he was authorized to ship his household effects.

According to our computation the distance between the actual points of origin and destination of the shipment (Potomac, Maryland, to Mountain Top, Pennsylvania), exceeds the distance between the authorized locations (Rockville, Maryland, to Philadelphia, Pennsylvania), by 89 miles.

As to the weight of the effects, the Table of Weight Allowances by Service and Grade provided by paragraph M3003V of the JTR authorizes shipment of household effects for a Senior Assistant of the PHS on permanent change of station in an amount not in excess of 11,000 pounds. As shown on the bill of lading (as indicated above) the total weight shipped was 18,760 pounds.

Thus, the record shows the shipment of household effects was excessive both as to distance and weight of the movement.

As to the excess weight involved this appears to have resulted from the shipment of a "ranch-type fence" and other articles described in a letter from Capitol Moving and Storage Company dated August 22, 1973, as follows:

"Dr. _____ chose to dismantle the ranch type fence that completely enclosed his property and to include it in his shipment. This consisted of approximately 20 large upright posts ten feet in height and weighing about 150 lbs. each, and 60 cross bars twelve to fourteen feet in length and weighing about 70 lbs. each. Also packed and included in the shipment were all of the bricks supporting his book shelves, a large supply of canned goods, and a great number of additional professional books that were at the doctor's office at the time of the survey."

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The canned goods, presumably for family consumption, would be included among items authorized for shipment as household goods under paragraph M8000-2 of the JTR. The professional books would not be chargeable against Dr. weight allowance, paragraph M8000-4, JTR, nor do we object to the bricks if their purpose was to support Dr. books. However, we do not believe the fence and other items such as cardboard and plywood listed in the letter of submission can be characterized as "household effects," permitting shipment at Government expense. A fence is generally associated with the realty surrounding the house. The cardboard and plywood appear to be building materials which may or may not some day be made into household effects but cannot be so characterized at the present time from the information in the record. See 52 Comp. Gen. 479 (1973), cf. B-133751, November 1, 1957.

With respect to excess costs of transporting household effects, paragraph M8007, JTR, provides as follows:

"M8007 EXCESS COSTS

"1. UNAUTHORIZED ARTICLES. Normally excepted personal articles (see par. M8000-2) shall be transported apart from authorized household goods and arrangements for separate transportation of such articles shall be made by the member concerned. When unauthorized articles erroneously or inadvertently included by a member or a shipping officer in a household goods movement are subsequently disclosed, the member shall bear all costs of transportation (see par. M8000-4) of such articles to the extent that they can be identified and transportation costs thereof established. In the event the cost of transporting such articles cannot be definitely established, the weight thereof shall be considered excess weight and the cost of transportation computed in accordance with subpar. 2.

"2. EXCESS COST. The Government's maximum transportation obligation is the cost of a through household goods movement of a member's prescribed weight allowance (see par. M8003-1) in one lot between authorized places at a valuation equivalent to the lowest applicable rate established in the carrier's tariffs. The member will bear all transportation costs arising from shipment in more than one lot, for distance in excess of that between authorized places, and for weights in excess of the maximum allowance prescribed in par. M8003-1. In determining the cost attributable to the excess weight, the total cost of transportation, less the cost of transporting

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unauthorized articles as determined in subpar. 1, shall be prorated on the basis that the member bears the portion thereof that the excess net weight bears to the total net weight transported; e.g., if a member with a prescribed weight allowance of 7,500 pounds transports 8,000 pounds of authorized articles, excess shall be

computed on the basis of $\frac{500}{8000}$ of all costs of transportation of authorized articles of household goods."

In this case the unauthorized articles shipped can be identified and the cost of transportation established as described by subparagraph M8007-1. Under the governing regulation this cost should be determined and Dr. is required to pay the amount in question.

If the weight attributable to transportation of the unauthorized articles (the fence, plywood, cardboard and any other similar items) does not comprise the entire amount of excess weight (7,760 pounds) subparagraph M8007-2 should be applied and Dr. charged with the additional amount prorated as required by the regulation. See, generally, 49 Comp. Gen. 255 (1969), and B-153932, July 16, 1964.

We note that a sum of \$135.75 was collected from Dr. on the basis of an estimate of weight prior to shipment which indicated a probable excess cost in that amount and has been applied to excess costs. This amount would, therefore, be for deduction from the additional costs to be determined in accordance with the foregoing.

With respect to the \$303 bill for accessorial charges, the letter of August 22, 1973, from the Capitol Moving and Storage Company explains the additional costs as follows:

"At the doctor's request, the shipment was removed from SIT for delivery in Mountain Top on Monday, 23 July 1973. This delivery schedule was confirmed with Mrs. as late as Friday, 20 July 1973; however, when the van arrived at destination on Monday, Mrs. would not let him deliver until the following day. On Tuesday, he again could not deliver because of a legislative bill that was still awaiting the President's signature before settlement funds could be released to Dr. Finally at 6:30 pm on

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Tuesday, 24 July 1973, the driver was allowed to commence unloading even though the President still had not signed the bill.

"In the absence of Dr. _____, the driver and his crew completed the unloading of his shipment and placed everything in the house at the direction of Mrs. _____ Upon his return late that night while the men were completing the unpacking the doctor decided he did not like the arrangement of his furniture and directed our men to relocate almost every piece of furniture in the house."

We have been unable to obtain any information identifying the legislation to which reference is made in the letter and we know of none which should have interfered with the movement of Dr. _____ household effects. With respect to such charges, paragraphs M3050 and M3051, JTB, govern performance of normal accessorial services. Paragraph M3009 provides a procedure under which special accessorial services involving additional expenses may be obtained provided the member requests such special services in writing and agrees to pay their cost. We find nothing in the file to indicate this procedure was followed in this case. However, we believe Dr. _____ is indebted for the special accessorial services required. See B-171806, October 15, 1971.

With respect to the voucher presented by Dr. _____ for rental of a trailer and hitch and for mileage between his last post of duty and Philadelphia, Pennsylvania, we believe the action proposed, that is payment of mileage only in the amount found to be correct, is proper. We know of no authority for reimbursement of the cost of rental of the trailer and hitch.

Paul G. Demblig

For the
Comptroller General
of the United States