

DECISION



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

9920

FILE: B-193133

DATE: April 24, 1979

MATTER OF: Challis Broughton - Shipment of household goods - *[Request for Payment Under Commuted rate System for from this to Oak Ridge, Tennessee.]*

DIGEST: Employee transported his household goods by a U-Haul truck and a private truck incident to a permanent change of station. *[He submitted receipts from a private wrecking company which fail to certify the identity of the vehicle by its tare weight (vehicle alone) and gross weight (vehicle and goods). Under applicable regulations such receipts are not proper weight certificates to support payment of commuted rate. No objection is made to agency payment of actual expenses within regulatory limits on record before it.]*

Ms. Betty B. Hensley, Authorized Certifying Officer, Oak Ridge Operations, Department of Energy, by letter of October 5, 1978, requests an advance decision on a claim of Mr. Challis Broughton for payment under the commuted-rate system for transportation of household goods by a U-Haul and a private truck incident to a permanent change of station (PCS) from Cincinnati, Ohio, to Oak Ridge, Tennessee.

The question raised is the adequacy of the documentation indicating the weight of household goods transported. Mr. Broughton claims \$1,313.97 for transporting 8,290 pounds of household goods at \$15.85 per 100 pounds for the 243-mile movement from Maderia, Ohio, to Oak Ridge, Tennessee. He claims 7,000 pounds were moved by the U-Haul on June 11, 1978, and 1,290 pounds by a private truck on July 7, 1978.

Copies of contracts for rent of U-Haul trucks have been submitted. Also, in support of the claim for transportation of 8,290 pounds of household goods Mr. Broughton has certified that to his knowledge scales were not available in Cincinnati to weigh his household goods. Instead of weight certificates he has submitted a weigh slip from the Kentucky Department of Highways dated June 9, 1978. The weigh slip shows a scale print-out of 03800 and 05200 (presumably the front and rear axle weight of a U-Haul truck). The two figures have been added to indicate 9,000. He has also submitted a handwritten billing slip dated

005057

B-193133

June 11, 1978, from Callihan Wrecking Yard and Auto Parts, Pineville, Kentucky. The slip shows in ink the date, truck, J. A. Callihan and letters appearing to be WT. In pencil there is shown Challis Broughton and 15900

8900
7000.

The figures indicate erasures have occurred. Ms. Hensley states that Mr. Broughton advised that the loaded U-Haul was weighed in Pineville as represented by the described receipt and that the tare weight (8900) was taken from the door of the vehicle.

It is indicated that Mr. Broughton returned to Cincinnati with a private truck to transport other household goods. He submits a handwritten, in ink, billing slip dated July 7, 1978, from the above Callihan Wrecking Yard showing Challis Broughton, Gross 4490

3200
1290

and J. A. Callihan. There is no explanation of how the weights were established.

Information has also been supplied by the authorized certifying officer that Interstate Highway 75 which runs from Cincinnati to Oak Ridge has weighing stations all along the route that are open 24 hours a day except holidays. Pineville, Kentucky, where the U-Haul and private truck were weighed is located on U.S. Highway 25E which parallels Interstate 75.

The record also contains what appears to be an inspection certificate for the private scales in question from the Kentucky Department of Agriculture, Division of Weights and Measures, dated October 20, 1977, showing the scales to be accurate up to 12,000 pounds, a 20-pound error up to 18,000 pounds and a 40-pound error up to 24,000 pounds. In each case the scale is shown as weighing light.

The transportation of household goods is governed by the Federal Travel Regulations (FPMR 101-7) (FTR). Paragraph 2-8.3.a(3), which sets out the requirements for the documentation relating to shipments of household goods, provides that:

B-193133

"(3) Documentation. Claims for reimbursement under the commuted rate system shall be supported by a receipted copy of the bill of lading (a reproduced copy may be accepted) including any attached weight certificate copies if such a bill was issued. If no bill of lading was involved, other evidence showing points of origin and destination and the weight of the goods must be submitted. Employees who transport their own household goods are cautioned to establish the weight of such goods by obtaining proper weight certificates showing gross weight (weight of vehicle and goods) and tare weight (weight of vehicle alone) because compliance with the requirements for payment at commuted rates on the basis of constructive weight (2-8.2b(4)) usually is not possible."

The constructive weight system described in paragraph 2-8.2b(4) provides that:

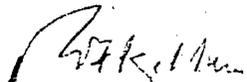
"(4) Constructive weight. If no adequate scale is available at point of origin, at any point en route, or at destination, a constructive weight, based on 7 pounds per cubic foot of properly loaded van space, may be used. Such constructive weight also may be used for a part-load when its weight could not be obtained at origin, en route, or at destination, without first unloading it or other part-loads being carried in the same vehicle, or when the household goods are not weighed because the carrier's charges for a local or metropolitan area move are properly computed on a basis other than the weight or volume of the shipment (as when payment is based on an hourly rate and the distance involved). However, in such instances the employee should obtain a statement from the carrier showing the amount of properly loaded van space required for the shipment. (See also 2-8.3a(3) with respect to proof of entitlement to a commuted rate payment when net weight cannot be shown.)"

The agency does not question the reasonableness of the weights and it would reimburse Mr. Broughton actual out-of-pocket costs on the record before it. However, Ms. Hensley questions whether the

B-193133

receipts described above are proper weight certificates within the meaning of the Federal Travel Regulations and Comptroller General decisions to support payment of the commuted rate.

In B-183829, January 2, 1976, it was held that the weighmaster did not have to certify that the nature of the cargo was household goods. Although not addressed in that case the weight receipts presented were made by machine at a weigh station and represent official weights. As a minimum to be a proper weight certificate within the regulation there must be obtained a certificate from a certified weighmaster or a certificate from a certified scale identifying the vehicle and showing its gross weight (weight of vehicle and goods) and tare weight (weight of vehicle alone). The documentation in this case does not do that and accordingly does not support payment under the commuted-rate system based upon a showing of the scale weight of the goods transported. Further, no information has been presented which could be used to justify payment of the commuted rate based upon the constructive weight. However, on the record we see no objection to payment of actual expenses as indicated by the agency. The voucher which is returned may be certified for payment only to the extent that actual expenses have been shown by the claimant.


Deputy Comptroller General
of the United States