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DECISION



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

FILE: B-199545

DATE: August 22, 1980

MATTER OF: Ronald E. Adams - [Transportation
of household goods ~~Ex~~ Excess weight]

DIGEST: Employee of Internal Revenue Service is liable for excess costs incurred in transportation of household goods under actual expense method where total weight exceeded statutory maximum limit of 11,000 pounds. Federal Travel Regulations prescribe procedure for determining the charges payable by the employee for excess weight when actual expense method of shipment is used. These regulations have the force and effect of law and may not be waived or modified by the employing agency or the General Accounting Office regardless of the existence of any extenuating circumstances. Computation of employee's liability should be based on total transportation charges.

Virginia G. Leist, an authorized certifying officer for the Internal Revenue Service, has requested our opinion on the proper method of computing excess weight charges in the case of Mr. Ronald E. Adams.

Mr. Adams, an employee of the Internal Revenue Service, transferred from Mt. Clemens, Michigan, to Marquette, Michigan, on August 1, 1978. Mr. Adams was authorized transportation of his household goods by actual expense basis limited to a maximum allowable weight of 11,000 pounds. The Government Bill of Lading issued for the shipment of Mr. Adams' household goods itemized an actual net weight of 14,230 pounds, which was 3,230 pounds in excess of the maximum weight allowance. As a result, and in accordance with paragraph 2-8.3.b(5) of the Federal Travel Regulations, the Internal Revenue Service

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computed the ratio of the 3,230 pounds of excess weight to the 14,230 pounds actual net weight, applied the figure to transportation charges of \$2,542.21, and billed Mr. Adams in the amount of \$577.04 for costs applicable to the excess weight.

The amount of 3,230 pounds excess weight has not been placed in issue in the present case. However, Mr. Adams does question the method of computation used in determining the amount he owes for the excess weight. Specifically, Mr. Adams has petitioned the agency as follows:

"* * * I disagree with your method of computation. It is my contention if equity is to exist that I should receive the same benefit as any individual who would have had exactly 11,000 pounds moved by GBL. I should only be required to pay the total amount billed minus whatever exactly 11,000 pounds would have cost to move. It is not equitable under your present method of computation for me to receive less of a dollar amount benefit for moving the first 11,000 pounds than the person who has exactly 11,000 pounds moved. * * *"

Authority for transporting the household effects of transferred employees at Government expense is found at 5 U.S.C. § 5724(a)(1976), which establishes 11,000 pounds as the maximum weight of goods authorized to be transported. As the 11,000 pound weight limitation is statutory, no Government agency or employee has the authority to permit transportation in excess of the weight limitation. Therefore, regardless of the reasons for the shipment of the excessive weight of household goods, the law does not permit payment by the Government of charges incurred incident to shipment of the excess weight. Donald F. Roach, B-194441, September 18, 1979.

Implementing regulations for the transportation and temporary storage of household goods are contained at chapter 2, part 8, of the Federal Travel Regulations (FPMR 101-7)(May 1973). In paragraph 2-8.2a of the regulations a maximum weight allowance of 11,000 pounds has been established for employees with immediate families.

In paragraph 2-8.3b(5) a procedure is prescribed for determining the charges payable by the employee for excess weight when the actual expense method (Government Bill of Lading) is used. That paragraph reads as follows:

"(5) Excess weight procedures. When the weight of an employee's household goods exceeds the maximum weight limitation, the total quantity may be shipped on a Government bill of lading, but the employee shall reimburse the Government for the cost of transportation and other charges applicable to the excess weight, computed from the total charges according to the ratio of excess weight to the total weight of the shipment."

The Federal Travel Regulations have the force and effect of law and may not be waived or modified by the employing agency or the General Accounting Office regardless of the existence of any extenuating circumstances. Robert J. Furey, B-193397, February 22, 1980.

Therefore, Mr. Adams is required to pay the Government the charges incurred incident to the shipment of the excess weight as computed in accordance with paragraph 2-8.3b(5) of the Federal Travel Regulations.

The certifying officer has also stated that the appliance service charge and bridge/ferry cost was deducted from the carrier's total transportation charges. The balance of \$2,542.21 was then used as the basis for determining Mr. Adams' liability. However, we are unable to determine the agency's authority for doing so since paragraph 2-8.3b(5) of the Federal Travel Regulations states that the computation should be based on the "total charges." And the total charges in this case are \$2,568.70. Action should be taken by the agency accordingly.

Harry R. Van Clave
For the Comptroller General
of the United States