

DECISION



17467 *Schweine*
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-198211

DATE: March 26, 1981

MATTER OF: Donald W. Combs - Drayage Between Local
Quarters - Excess Weight Charge for

- DIGEST:
1. A civilian employee of the Air Force was authorized local drayage of household goods incident to his moving from local economy to government quarters. The maximum weight which may be drayed at Government expense and charged as an operating expense of the installation concerned should not exceed 11,000 pounds consistent with 5 U.S.C. § 5724(a)(2). Where the household goods shipment of the employee exceeds the maximum limitation as determined by an appropriate official, then the employee is liable for the excess costs.
 2. The question of whether and to what extent authorized weights have been exceeded in the shipment of household effects is a question of fact considered to be a matter primarily for administrative determination and ordinarily will not be questioned in the absence of evidence showing it to be clearly in error. The Air Force has correctly made that determination based on regulations which provide for constructive weight based on 7 pounds per cubic foot of properly loaded van space. Lower cubic foot measurement of 5.7 pounds within Germany pertains only to military members and is not applicable here.

This action is in response to a request for a decision submitted by the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations) concerning the weight of household goods which may be drayed at Government expense for a civilian employee of the armed forces. The matter was forwarded here through

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the Per Diem, Travel and Transportation allowance Committee (PDTATAC Control No. 80-10).

The submission states that Mr. Donald W. Combs was transferred to Germany in July 1977 from Fort Monmouth, New Jersey. At the time of his permanent change of station, Mr. Combs elected to occupy Government quarters and the amount of household goods which he was authorized to ship to Germany was restricted to 6,796 pounds pursuant to Volume 2, Joint Travel Regulations (JTR) para. C8002-1b. His actual shipment weighed 6,510 pounds and 4,440 pounds of household goods were placed in nontemporary storage at Government expense. Upon arrival in Germany, Government quarters were not available and Mr. Combs moved into economy quarters with his family. In May 1978, Mr. Combs was assigned and moved into Government quarters. In connection with the move to these quarters, Mr. Combs was authorized drayage of his household goods in accordance with 2 JTR para. C8006. Although his household goods were not weighed at that time, a constructive weight was established at 8,631 pounds and Mr. Combs was billed \$46.37 for the excess weight. The excess weight was computed based on a total weight allowance of 11,000 pounds minus the weight of goods in nontemporary storage.

The regulation which authorizes drayage of household goods for civilian employees of the armed forces is contained in 2 JTR para. C8006. That section states that drayage of an employee's household goods is authorized when, for the convenience of the Government, the local commander issues written orders directing the employee to change his local place of residence. The regulation also states that the authority for drayage will not be used in connection with an authorized permanent change of station and that the cost of the drayage will be charged as an operating expense of the installation concerned. This is in conformity with decisions of this Office. 52 Comp. Gen. 293 (1972); B-163088, February 28, 1968. The provisions for local drayage in 2 JTR para. C8006 do not limit the amount of household goods which may be drayed at Government expense and the statute which limits expenses for moving household goods to 11,000 pounds specifically refers to permanent change of station moves. See 5 U.S.C. § 5724(a)(1)(2) (1976). However, in our decision

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B-172276, July 13, 1971, this Office considered the local movement of household goods for a Bureau of Indian Affairs employee as an administrative cost of operating an installation, citing to B-163088, supra. The employee shipped 11,025 pounds of household goods, and we limited the allowance to 11,000 pounds consistent with 5 U.S.C. §5724(a)(2). Accordingly, local drayage should be limited to a maximum of 11,000 pounds.

The Assistant Secretary has asked our Office to determine whether the drayage weight limit should be lower than 11,000 pounds if the employee's permanent change of station weight limitation is below 11,000 pounds. We believe that the determination of the employee's authorized weight allowance is discretionary and should be decided by an appropriate official of the Department of the Air Force prior to movement.

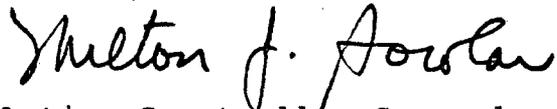
Concerning Mr. Combs shipment of household goods, an appropriate official determined the weight allowed for drayage based on a total weight allowance of 11,000 pounds minus the weight of the household goods in non-temporary storage. We have no objection to such a determination since it is consistent with regulations that provide that the weight of the household goods placed in storage, plus the weight of the household goods shipped, will not exceed the employee's applicable weight allowance. 2 JTR para. C8002-3c(1). We also note here that Mr. Combs was authorized 11,000 pounds for his local move by the Family Housing Office.

Finally, the Assistant Secretary has asked us to determine what Mr. Combs liability is in this case. Since he was only authorized drayage for 11,000 pounds minus the amount in nontemporary storage, and he exceeded that amount, he is liable for the excess. This Office has always followed the general rule that the question of whether and to what extent authorized weights have been exceeded in the shipment of household effects is a question of fact considered to be a matter primarily for administrative determination and ordinarily will not be questioned in the absence of evidence showing it to be

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clearly in error. Robert W. Dolch, B-197008, February 20, 1980. The Air Force has correctly made that determination on the basis of 2 JTR para. C8000-2d, which provides for a constructive weight based on 7 pounds per cubic foot of properly loaded van space. This provision is based, in turn, on the Federal Travel Regulations, para. 2-8.2b(4) (FPMR 101-7, May 1973). Thus, the provision in 1 JTR, para. M8002-4 which provides for a lower cubic measurement of 5.7 pounds per cubic foot within Germany, pertains only to military members and is not applicable in Mr. Combs case.

The questions presented in the submission are answered accordingly.



Acting Comptroller General
of the United States