

DECISION



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

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FILE: B-210687

DATE: July 26, 1983

MATTER OF: Bert W. Rust

DIGEST:

1. Incident to a transfer of duty station, the employee shipped household goods exceeding the statutory maximum of 11,000 pounds by 4,800 pounds. He has repaid the Government for only 2,000 pounds of the excess because the oral estimate he received from the carrier's agent was only 13,000 pounds, and he did not receive a later written estimate of 15,000 pounds. Since the maximum payable by the Government under 5 U.S.C. § 5724(a) is 11,000 pounds regardless of extenuating circumstances, the employee must repay the cost of the entire excess, less the shipping cost of any professional books and papers properly proven to have been included with the household goods.
2. Professional books and papers included within a shipment of household goods may be an administrative expense of the employing agency exclusive of the 11,000-pound maximum weight limitation payable by the Government for the transportation of household goods. But professional books and papers must, in accordance with para. 2-8.2a-1 of the FTR, be inventoried with the proper weight determination and certified by the appropriate official at the new duty station as a necessary shipment of items that the Government would otherwise have to obtain at its expense.

In this advance decision requested by the Deputy Comptroller of the National Bureau of Standards, Department of Commerce, we hold that the employee, Mr. Bert W. Rust, must repay the Government the cost of shipping his household goods which exceeds the cost of shipping the 11,000-pound weight limit prescribed in

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5 U.S.C. § 5724. His indebtedness may not be reduced by the cost of transporting any professional books and papers included in the shipment unless he submits an itemized inventory of the books and obtains the administrative certification required by paragraph 2-8.2a-1(3)(a) and (b) of the Federal Travel Regulations (FTR) (FPMR Temp. Reg. A-11, Supp. 4, April 29, 1977).

Incident to moving from Oak Ridge, Tennessee, to his new duty station at Gaithersburg, Maryland, Mr. Rust shipped his household goods by Government bill of lading. An agent of the carrier signed a written estimate approximating the weight of the household goods to be 15,000 pounds. However, Mr. Rust states that an employee of the agent had given him an oral estimate of not more than 13,000 pounds. Shipment of the actual weight of 15,880 pounds cost \$3,522.25, which the Government paid the carrier. The National Bureau of Standards billed Mr. Rust \$1,181.90, representing the cost of packing and shipping 4,880 pounds in excess of the statutory maximum of 11,000 pounds to be shipped at Government expense. Since he believes he is only responsible for the 13,000-pound oral estimate, he repaid the National Bureau of Standards \$345.04, representing his estimate of his liability. The National Bureau of Standards seeks repayment of an additional \$836.86 for the remainder of the actual 4,880 pounds above the statutory maximum. From this amount it is willing to deduct the cost of shipping any professional books included in the 4,800 pounds, since these may be shipped at Government expense exclusive of the statutory maximum.

Mr. Rust believes that since the shipment contract was between the Government and the carrier, the Government should bear the responsibility for monitoring the weight of household goods. He rejected a proposal of the Chief, Facilities Service Division, National Bureau of Standards, that the weight of any professional books and papers included with the household goods shipment be estimated by an employee of the National Bureau of Standards with a second estimate obtained by Mr. Rust at his expense if he so desired. Mr. Rust believes that the

carrier should have weighed the professional books and papers separately, although he is willing to assume that their weight equalled that of professional books and papers he had transported by a separate shipment.

Authority for transporting the household effects of transferred employees at Government expense is found at 5 U.S.C. § 5724(a), which establishes 11,000 pounds as the maximum weight of goods authorized to be transported. Since 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. Thus, the law does not permit payment of the charges by the Government for the excess weight regardless of the reasons for the shipment of the excessive weight. Ronald E. Adams, B-199545, August 22, 1980.

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). If property shipped by Government bill of lading exceeds the weight allowable (11,000 pounds), paragraph 2-8.3b(5) of the Federal Travel Regulations imposes on the employee the "\* \* \* 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."

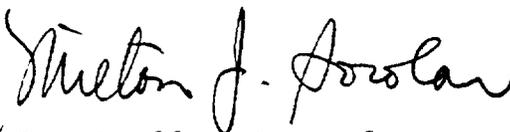
The Federal Travel Regulations have the force and effect of law and may not be waived or modified by the employing agency or the General Accounting Office regardless of any extenuating circumstances. Ronald E. Adams, B-199545, August 22, 1980.

It may be that Mr. Rust did not receive timely written notice that the carrier's agent had estimated the household goods to weigh 15,000 pounds rather than the earlier oral estimate of 13,000 pounds. However, as noted above there is no authority for the Government to pay the costs of a shipment of household goods in excess of 11,000 pounds. See B-189358, February 8, 1978. Accordingly, Mr. Rust is responsible for repaying the expense of the excess weight.

Further, Mr. Rust's indebtedness may not be reduced based solely upon his own statement that he shipped

professional books and papers with the shipment and that his estimate of the weight involved was the same as the weight of such items he had transported by a separate shipment. Where the weight of professional books, papers, and equipment would cause the employee's household goods shipment to exceed the maximum weight allowance, they may be transported to the new duty station as an administrative expense of the agency in accordance with paragraph 2-8.2a-1 of the FTR (FPMR Temp. Reg. A-11, Supp. 4, April 29, 1977). When shipped in the same lot with the employee's household goods and other personal effects under the actual expense method, the professional books, papers, and equipment must be packed and weighed separately; the weight and the administrative appropriation chargeable should be stated as separate items on the Government bill of lading. In unusual instances in which it is impractical or impossible to obtain separate weights, a constructive weight of 7 pounds per cubic foot may be used. See paragraph 2-8.2a-1(3)(c) of the FTR (FPMR Temp. Reg. A-11, Supp. 4, April 29, 1977). However, paragraph 2-8.2a-1(3)(a) and (b) of this authority require the employee to furnish an itemized inventory of the professional books, papers, and equipment for review by an appropriate authorizing official at the new permanent duty station. This official must also certify that the shipment was necessary in the proper performance of the employee's duties at the new duty station, and that similar materials would have had to be obtained at Government expense if they had not been transported to the employee's new duty station.

Any reduction of Mr. Rust's indebtedness for transportation of professional books and papers must be consistent with the above provisions. Matter of Brown and Schmidt, B-199780, February 17, 1981.

  
for Comptroller General  
of the United States