

**DECISION**



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

**FILE:** B-219213

**DATE:** September 4, 1985

**MATTER OF:** Edmund H. Waszkiewicz

**DIGEST:** The agency authorized, on the Government Bill of Lading, shipment of professional books, papers and equipment not to exceed 1,700 pounds. This authorization was based on an itemized inventory and a memorandum signed by the transferred employee indicating that these items had been separately packed and weighed. In view of the requirement that professional books, papers and equipment shipped in one lot with the employee's household goods be separately packed and weighed, the agency's determination that these items weighed 1,700 pounds will not be disturbed. The employee's after-the-fact estimate by the carrier that the inventoried items weighed 3,000 pounds does not reduce the amount of overweight shipped.

The issue in this case is whether a transferred employee may be relieved of liability for excess weight charges which he claims are attributable to the authorized shipment of professional books, papers and equipment.<sup>1/</sup> We find no basis to conclude that the employee was authorized to ship professional books, papers and equipment in excess of 1,700 pounds and sustain the agency's determination that the employee is liable for excess weight charges as billed.

In 1979, Mr. Edmund H. Waszkiewicz, an employee of the Bureau of Land Management, Department of the Interior, was transferred from Pennsylvania to Alaska. Prior to shipment of his household goods, Mr. Waszkiewicz requested authority to ship professional books, papers and equipment in addition to the 11,000 pounds of household goods and personal effects he had been authorized to ship at Government expense. In a memorandum dated June 21, 1979, he stated:

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<sup>1/</sup> The matter is on appeal from a settlement by our Claims Group (Z-2829519).

"\* \* \* This shipment has been packed and weighed separately and is awaiting authorization at my residence."

Attached to the memorandum is a 7-page inventory by title or other description of the books and documents packed into 25 cartons. A weight is ascribed to each carton. On an eighth page, signed by Mr. Waszkiewicz and bearing the heading "Approximate Weight," there is a tally showing that the 25 boxes, together with 250 pounds of files and equipment, weighed a total of 1,685 pounds. Based on this request, Mr. Waszkiewicz was authorized to ship professional books, papers and equipment of not to exceed 1,700 pounds.

In September 1979 Mr. Waszkiewicz' belongings were shipped to Alaska in a single lot under a Government Bill of Lading. After delivery, Mr. Waszkiewicz was informed that his shipment weighed 3,325 pounds in excess of the 12,700 pounds he was authorized to ship. He asked that the agency increase his weight allowance for shipment of professional books, papers and equipment from 1,700 to 3,000 pounds. In support of that request he submitted a letter dated May 5, 1980, from the carrier indicating that, in the driver's estimation, the boxes marked "pro-gear" weighed between 2,800 and 3,000 pounds. The agency denied Mr. Waszkiewicz' request inasmuch as his authorization to ship 1,700 pounds of professional books, papers and equipment had been based on his own representation as to their weight and because the driver's estimate of weight did not meet the requirement that such items be weighed separately.

It is Mr. Waszkiewicz' position that the agency authorized shipment of the particular items for which he furnished an inventory. He claims that the weight of 1,685 pounds indicated on that inventory was only an estimate and that the Department of the Interior is responsible for shipping the inventoried items which he now claims weighed 3,000 pounds.

Under paragraph 2-8.2a-1 of the Federal Travel Regulations (FTR) (FPMR Temp. Reg. A-11, Supp. 4, April 29, 1977), professional books, papers and equipment may be transported to an employee's new duty station as an administrative expense of the agency involved where shipment of

these items would result in an excess of the employee's maximum weight limitation. An agency may ship professional books, papers and equipment subject to the requirement that the employee provide an itemized inventory and that the authorizing official at the new duty station certify that the inventory items are necessary in the proper performance of the employee's duties and otherwise would have to be acquired at Government expense. The regulation specifically requires that professional books, papers and equipment shipped in the same lot with the employee's household goods be packed and weighed separately and that the weight thereof be stated as a separate item on the Government Bill of Lading.

The regulation contemplates that the agency's authorization to ship professional books, papers and equipment will extend to specific items that meet the requirement of necessity in connection with the employee's duties. However, the regulation requires a separate determination of weight with respect to these items. What Mr. Waszkiewicz refers to as the agency's authorization to ship 1,700 pounds is the following statement on the Government Bill of Lading.

"Professional gear and books authorized NTE  
1700 pounds."

Consistent with the regulation, this notation reflects the agency's determination of the weight of the inventoried items. In Mr. Waszkiewicz' case, this determination was based on his own representation of weight coupled with his statement indicating that the inventoried items had in fact been weighed separately. Absent a determination of the weight of these items, there would be no authority to ship any of Mr. Waszkiewicz' books, papers or equipment.

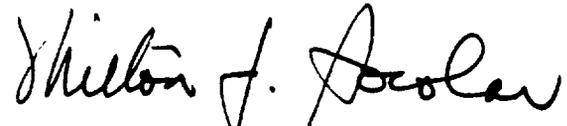
The rule that this Office will not disturb an administrative determination of overweight, in the absence of clear error, is applicable, as well, to an agency's determination concerning the weight of an employee's professional books. Ganesh C. Bhuyan, B-202906, September 15, 1982. We cannot conclude here that the agency erred in refusing to accept the driver's mere estimate of weight, solicited long after delivery, as evidence in substitution of the itemized weight breakdown provided at origin by the

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shipper, as required by the regulation. Accordingly, we will not disturb the agency's determination of the weight of the professional books, and we have no authority to relieve Mr. Waszkiewicz of liability for the excess weight charges. Donald F. Roach, B-194441, September 18, 1979.

Since the employee has a legal obligation to pay the excess charges, collection action should be taken.

  
for Comptroller General  
of the United States