



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Michael A. Weedman - Transportation of Household
Goods - Commuted Rate
File: B-226666
Date: November 23, 1987

DIGEST

A transferred employee was authorized shipment and storage of his household goods on a commuted rate basis, and he claims reimbursement for the difference between the higher actual published tariff costs on the storage portion and the lower commuted rate published in GSA Bulletin FPMR A-2. The claim is denied since an administrative determination has been made to use the commuted rate basis, and payment can only be authorized on that basis.

DECISION

This decision is in response to a request by the Finance and Accounting Officer, Department of the Army, Baltimore District, Corps of Engineers, for an advance decision concerning the claim of Mr. Michael A. Weedman. Mr. Weedman claims reimbursement of \$567.60 which represents the difference between the actual expenses incurred for the storage of his household goods incident to a permanent change of station and the amount he was reimbursed under a commuted rate schedule. Mr. Weedman's claim is denied since there is no authority for reimbursement of actual expenses in these circumstances.

BACKGROUND

Mr. Weedman received a permanent change of station from Louisville, Kentucky to Aberdeen Proving Ground, Maryland, in October 1984. Travel orders were issued October 5, 1984, which authorized Mr. Weedman to ship his household goods using the commuted rate system and to temporarily store his household goods for 60 days. Mr. Weedman's household goods were picked up October 12, 1984, and placed in storage for 50 days. These household goods were then delivered to Mr. Weedman's new residence on December 2, 1984.

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Mr. Weedman is requesting reimbursement for the actual storage charges assessed and billed by the carrier of \$1,027.20, computed from the Household Goods Carriers' Bureau Tariff No. 400-C, instead of the lower storage rates in the commuted rate schedule of \$459.60, published by the General Services Administration (GSA) in its Bulletin FPMR A-2 (Supp. 100, June 1, 1984). According to the transmittal letter furnished with GSA Bulletin FPMR A-2, Supp. 100, the commuted rates are based on the rates in Tariff No. 400-C. Therefore, Mr. Weedman contends that it is the intent of this regulation that the carrier's rates should apply. Mr. Weedman also states that he was adversely affected by an increase in the local storage tariff rate which GSA did not incorporate into its commuted rate schedule until May 23, 1985, after he had moved. In addition, Mr. Weedman says that he was not provided with proper assistance by his agency in making a carrier selection and that he and his wife saved substantial costs by performing their own packing and unpacking.

OPINION

Under the commuted rate system an employee makes his own arrangements for transporting household goods between points within the conterminous United States, and the employee is reimbursed in accordance with schedules of commuted rates which are contained in GSA Bulletin FPMR A-2. See para. 2-8.3a(1) of the Federal Travel Regulations (FTR), incorp. by ref., 41 C.F.R. § 101-7.003 (1984). Costs for storage are also stated in the schedule of commuted rates.

The authority to ship household goods utilizing the commuted rate basis is prescribed by statute in 5 U.S.C. § 5724(c) (1982) as follows:

"Under such regulations as the President may prescribe, an employee who transfers between points inside the continental United States, instead of being paid for the actual expenses of transporting, packing, crating, temporarily storing, draying, and unpacking of household goods and personal effects, shall be reimbursed on a

commuted basis at the rates per 100 pounds that are fixed by zones in the regulations.* * *

The Administrator of General Services was empowered by Exec. Order No. 11012, March 27, 1962, set out as a note in 3 U.S.C. § 301 (1982), to establish rates used to reimburse government employees on a commuted rate basis. The Administrator has done so in GSA Bulletin FPMR A-2 and has provided for reimbursement on a commuted rate basis in FTR para. 2-8.3a(2) (Supp. 1, Nov. 1, 1981), as follows:

"(2) Reimbursement. When the commuted rate system is used, the amount to be paid to the employee for transportation and related services is computed by multiplying the number of hundreds of pounds shipped (within the maximum weight allowances) by the applicable rate per hundred pounds for the distance shipped as shown in the commuted rate schedule.* * *

This FTR provision cited above was promulgated pursuant to statutory authority and therefore has the full force and effect of law. As such, there is no authority for this Office or any agency to waive the above provision. Thus, once an administrative determination has been made, as there was in this case, to use the commuted rate basis, payment can only be authorized on that basis. David V. Craig, B-200479, April 16, 1981; Richard G. Dunnington, B-201632, October 8, 1981.

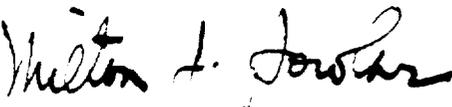
Mr. Weedman was authorized to use the commuted rate system for shipment of his household goods. As pointed out in the agency report, Mr. Weedman's total out-of-pocket actual expenses for shipment and storage of his household goods movement were \$5,960.13, and he was reimbursed \$5,918.05 under the commuted rate. Thus, there was only a difference of \$42.08 between the two methods.

Mr. Weedman's contention that he should be allowed actual expenses for the storage portion of his shipment is unique since it does not focus on the whole shipment and the overall cost. By examining the costs for the linehaul portion of his household goods shipment, we note that the

carrier's rate per hundredweight utilizing Tariff No. 400-C was \$25.45, whereas Mr. Weedman was reimbursed \$36.10 per hundredweight under the commuted rate basis. Thus, the carrier's total linehaul charges were \$3,212.78, and Mr. Weedman was reimbursed \$4,384.45 under the commuted rate basis for a difference of \$1,171.67 in his favor. The reason for this is that the commuted rate is factored to include a cost for packing and crating^{1/}, which is normally a separate charge by the carrier if the shipper wishes to avail himself of this service. However, since Mr. Weedman did his own packing and unpacking he was able to realize substantial savings of approximately \$1,200. Therefore, we believe Mr. Weedman has been adequately compensated for his labor.

As to the specific local tariff increase in Mr. Weedman's case, we accept GSA's explanation that it would be administratively impossible to issue a new commuted rate schedule everytime there is an increase or decrease in a local tariff rate. We also fail to see where Mr. Weedman was adversely affected by the tariff increase when, as previously stated, his total out-of-pocket expenses was only \$42.08.

Accordingly, Mr. Weedman's claim for the difference between the actual storage charges and the charges based on the commuted rate is denied.

for 
Comptroller General
of the United States

^{1/} The particular factor in effect during Mr. Weedman's move was \$10.65 per hundredweight.