



**The Comptroller General  
of the United States**

Washington, D.C. 20548

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## Decision

**Matter of:** Gunnery Sergeant Robert S. Jackowski, USMC -  
Transportation Debt Waiver - Overweight Household  
Goods Shipment

**File:** B-229335

**Date:** October 21, 1988

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### DIGEST

The wife of a transferred Marine Corps Sergeant acting on his behalf received erroneous advice from the transportation management office that his maximum weight of household goods allowed to be shipped pursuant to permanent change of station had been increased, and she received written documentation confirming the erroneous advice. Relying on this erroneous authorization, she shipped household effects that were 6,211 pounds in excess of the authorized weight allowance and incurred a debt of \$5,002.53. Since the member's debt resulted from the erroneous authorization, the debt is considered to have arisen out of an erroneous payment and is subject to consideration under the waiver statute. The debt otherwise qualifies for waiver and, therefore, is waived.

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### DECISION

This decision concerns whether Gunnery Sergeant Robert S. Jackowski's indebtedness of \$5,002.53 resulting from his having exceeded his authorized weight allowance for shipment of household effects in connection with a permanent change of station may be waived.<sup>1/</sup> As will be explained below, the debt is waived.

Sergeant Jackowski was transferred from the Naval Air Station, Glenview, Illinois, to Okinawa, Japan, in March 1986. He departed for Okinawa on March 4, 1986, left his wife in government quarters, and arranged for her to have the Travel Management Office counseling session for the household goods (HHG) shipment. At that session,

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<sup>1/</sup> The case was originally submitted to our Claims Group by Colonel J. M. Mutter, Commanding Officer of the Marine Corps Finance Center, Kansas City, Missouri.

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Mrs. Jackowski presented to the counselor a copy of the Okinawa area clearance which stated that the Jackowskis would be "limited to 2,000 pounds or 25 percent of your Joint Travel Regulation (JTR) weight allowance, whichever is greater." The counselor told Mrs. Jackowski that the area clearance was no longer valid and that they were entitled to a full household shipment of 8,500 pounds. Mrs. Jackowski requested and received written confirmation of this and was issued documentation authorizing a full shipment of 8,500 pounds. Following the delivery of their household goods, they were informed that the area clearance indeed had been correct. Consequently, they had shipped 6,211 pounds over the correct maximum of 2,125 pounds or 25 percent of the appropriate JTR weight allowance. This created a debt to the Marine Corps of \$5,002.53. The Marine Corps acknowledges full responsibility for the error.

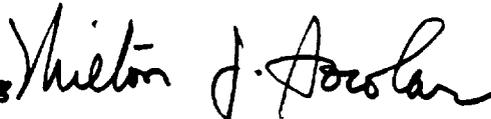
The Comptroller General has authority to waive a service member's debt arising out of an erroneous payment of transportation allowances where collection would be "against equity and good conscience and not in the best interests of the United States," and there is no indication of "fraud, misrepresentation, fault, or lack of good faith" on the part of the person whose debt is requested to be waived. 10 U.S.C. § 2774 as amended by Pub. L. No. 99-224, § 2, 99 Stat. 1741 (1985).

It is the long-standing and standard practice of the military services and government agencies to ship a qualifying individual's household goods at government expense and to then collect any charges for excess weight or extra services from the individual. Therefore, in most instances involving an overweight shipment, we have concluded that there is no "erroneous payment" for purposes of the waiver statute. In these circumstances, the government has committed no "error," but has merely made payment in the normal course of business to satisfy its obligation to the carrier. See B-229337, June 21, 1988, 67 Comp. Gen. \_\_\_\_.

In B-229337, supra, we recognized, however, that there might be some cases where excess weight charges were incurred as the result of government error, such as where the excess weight was shipped on the basis of erroneous authorizing orders. We noted that these unusual cases should be dealt with on a case-by-case basis. Id. Based on this case-by-case approach, we concluded in a subsequent decision that an employee's debt arising from his having been given erroneous advice by his agency regarding the cost of placing insurance on his household effects could be waived to the extent that he relied on this information to his detriment. See Paul Rodriguez, B-229107, Aug 22, 1988.

In this case, we have no reason to believe that Sergeant and Mrs. Jackowski would have shipped household effects to Okinawa in excess of their authorized weight allowance but for the erroneous authorization given by the Transportation Management Office. The Marine Corps accepts responsibility for the error and recommends the debt be waived, recognizing that its erroneous advice caused the member to incur this debt. Thus, we consider the member to have acted in good faith and to be free from fault in this matter.

Accordingly, we hold that collection of the debt would not be in the interests of the United States. Therefore, Sergeant Jackowski's debt of \$5,002.53 is waived.

**Acting**   
Comptroller General  
of the United States