



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Riss International
File: B-226006.5
Date: April 28, 1993

DIGEST

Under 31 U.S.C. § 3726(a), a carrier's supplemental bill for additional charges (not involving a deduction for or refund of overcharges) must be received within 3 years of the original payment or accrual of charges, whichever is later. If a carrier timely files such a supplemental bill but later adds a new claim related to the shipment, the new claim also must be received within the 3 years.

DECISION

Riss International requests review of the General Services Administration's (GSA) disallowance of 112 supplemental bills for additional charges on freight moved for the Department of Defense.¹ We affirm GSA's settlements.

In our decision in Riss International, B-226006, Feb. 19, 1988, aff'd B-226006.2, Apr. 27, 1990, we denied the carrier's timely claim for additional charges on 294 Government Bill of Lading (GBL) shipments. Riss then submitted claims to GSA for additional charges in 112 of these shipments, raising issues not previously presented. By October 1991, GSA had disallowed all of the 112 bills as being time-barred under 31 U.S.C. § 3726(a).² Except for the fact that each of the 112 bills was predicated on one of the 294 GBL transactions previously considered, none of the 112 bills was received by GSA within 3 years of the original payment or accrual of charges (a refund or deduction is not involved).

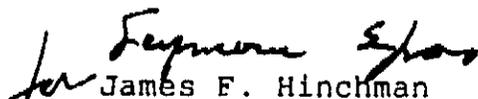
¹The total amount claimed on the 112 transactions is \$137,626.62.

²Under the statute, a carrier's claim must be received within 3 years of the accrual of the claim, payment of the transportation, refund of an overpayment, or deduction for overpayment by the government, whichever is later.

Riss then sought relief from this Office. It argues that as long as our Office was considering the 294 shipments upon which it requested review, all statutes of limitations were tolled. Riss contends that it was precluded from filing supplemental bills on issues other than the basic issue in the 294 shipments³ because GSA would have rejected the 112 claims while the GBL transactions were pending in this Office on the basic issue. Riss does not state how long it thinks it then had to file supplemental bills based on different issues.

Riss concedes that the 112 bills constitute a new claim, separate from the claim involving the 294 bills. Our decisions Trans Country Van Lines, Inc., B-188647, Dec. 28, 1977, and 39 Comp. Gen. 448 (1959), are dispositive. Those decisions establish that a supplemental bill asserting a new claim is barred if not received within the statutory period. A claimant cannot indefinitely toll the period of limitations in 31 U.S.C. § 3726(a) through a piecemeal presentation of claims that it could have but did not raise within the period. Nothing prevented Riss from presenting the new claim to GSA within the period of limitation; GSA could have adjudicated that claim and reported its findings to this Office (without settlement) while we were considering the matters already in issue.

Since GSA did not receive Riss's new claim within the required 3-year period, the agency properly determined the claim untimely under 31 U.S.C. § 3726(a). GSA's settlements therefore are affirmed.

for 
James F. Hinchman
General Counsel

³The basic issue was whether the tenders applicable to a released value of \$.10 per pound of carrier liability applied, or whether the more expensive tariff charges for shipments released at \$2.50 per pound per article applied. In its 112 supplemental bills, Riss seeks additional charges based, for the most part, on exclusive use.