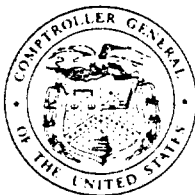


DECISION



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

610 43

FILE:

DATE: JUL 1 1976

B-185626
MATTER OF:

98362

DIGEST: James G. Bristol -
Claim for shipment of household goods

Employee, who transported his household goods by rented truck, submits, as evidence of weight of goods, dimensions of truck and statement that 38 items weighed about 3,000 pounds. Evidence is not sufficient to establish constructive weight of goods for reimbursement on commuted rate basis, nor does it substantiate that estimated weight approximates actual weight for reimbursement of actual expenses incurred.

This action is in response to the request for an advance decision by Mr. Herman Morganstern, a disbursing officer at the Corps of Engineers, Los Angeles District, Department of the Army, regarding the claim of Mr. James G. Bristol, a civilian employee of the Department of the Army, for reimbursement of the expenses incurred in the shipment of his household goods. The request for an advance decision was forwarded to this Office by the Per Diem, Travel and Transportation Allowance Committee, PDTATAC Control No. 75-40.

The record indicates that by a travel authorization dated August 21, 1970, Mr. Bristol was authorized shipment of his household goods, not in excess of 11,000 pounds, pursuant to a change of official duty station from Sacramento, California, to Phoenix, Arizona. The administrative report states that Mr. Bristol was reimbursed for the shipment of 1,580 pounds of household goods by commercial carrier on September 24, 1970. Mr. Bristol has filed a supplemental travel voucher for \$310.54 for the expenses incurred in a second shipment of household goods by rented truck from his old duty station to his new duty station on April 13, 1971. The disbursing officer questions whether the voucher may be paid on either a commuted rate or actual expenses basis.

The regulations governing the shipment of household goods at the time of Mr. Bristol's transfer were contained

in Office of Management and Budget Circular No. A-56, revised October 12, 1969, and provided in section 6.4d in pertinent part as follows:

"(3) Documentation required. Claims for reimbursement under the commuted rate system shall be supported by (a) the original or a certified copy of the receipted warehouse bill for temporary storage and (b) in support of transportation, the original bills of lading or certified copies, or, if bills of lading are not available, other evidence showing point of origin, destination and weight. If no adequate scale is available at point of origin, at any point en route, or at destination, a constructive weight, based on 7 pounds per cubic foot of properly loaded van space, may be used. Such constructive weight also may be used for a part load when its weight could not be obtained at origin, en route, or at destination, without first unloading it or other part loads being carried in the same vehicle."

Mr. Bristol has not provided an official weight certificate, and the administrative report states that it is reasonable to believe that adequate scales were available at or near the old duty station. However, assuming that adequate scales were unavailable, our Office has held in 48 Comp. Gen. 115 (1968) that reimbursement on a commuted rate basis could be made under certain circumstances, as follows:

"Under that regulation the weight of household goods transported for the purpose of computing the commuted rate of payment allowable must be determined either by the actual scale weight of the goods or by the constructive weight of such goods determined on the basis of the space occupied when properly loaded for shipment in a van.

"Since the employee failed to obtain the actual weight of his household goods at the time

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of transportation, he may be paid at the commuted rate only if he is able to show the amount of space occupied by his goods and that the goods were properly loaded in the space available. In establishing the amount of space which would have been occupied by his effects if properly loaded, the employee may submit a list of items transported together with the volume occupied by each based on actual measurement or a uniform table, preferably prepared by a commercial carrier."

The employee has supplied the dimensions of the rented truck which, if properly loaded, would have provided 220 cubic feet of space and have carried a constructive weight of 1,540 pounds. Mr. Bristol has also submitted an affidavit that he moved 38 items of furniture weighing an estimated 3,000 pounds. The employee, however, has not alleged that the truck was properly loaded and has not submitted a list of the items transported with either the estimated weight of each item or the volume occupied by each item based upon actual measurement. B-183557, November 18, 1975; and B-174098, December 8, 1971. Since reimbursement on a commuted rate basis may not be allowed absent proper evidence of the weight or volume of the goods transported such as will satisfy the law and regulations, the voucher may not be paid on a commuted rate basis. B-170353, September 3, 1970; and B-159899, September 7, 1966.

While an estimated weight may not be sufficient for payment on a commuted rate basis, it may, under certain conditions, furnish a basis for reimbursement of actual expenses to the extent that those expenses do not exceed the commuted rate applicable to the estimated weight. 33 Comp. Gen. 554 (1959); and B-181334, March 28, 1975. The evidence available must afford a basis for concluding that the actual weight of the goods shipped reasonably approximates the estimated weight. See B-181334, supra, and cases cited therein. The evidence Mr. Bristol has presented does not substantiate the accuracy of the estimated weight, and therefore, the voucher may not be paid on an actual expense basis.

Accordingly, the voucher may not be paid.

R. F. Keller

Deputy Comptroller General
of the United States