

Kenneth Siegel --- Transp.

**DECISION**



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

FILE:

DATE: DEC 22 1976

MATTER OF: **8-184403**

**Navajo Freight Lines, Inc.**

DIGEST:

If sufficiently convincing evidence is presented, the point of origin shown on a Government bill of lading may be rebutted.

Navajo Freight Lines, Inc. (Navajo), by correspondence dated January 28, 1976, and August 17, 1976, requests review by the Comptroller General of the United States of deduction actions taken by the former Transportation and Claims Division (TCD) of the General Accounting Office, now a part of the General Services Administration. See the General Accounting Office Act of 1974, 88 Stat. 1959, approved January 2, 1975. Deduction actions constitute settlements within the meaning of Section 201(j) of that Act, 49 U.S.C. 66(b) (Supp. V 1975) and of 4 C.F.R. 53.1(b) (1) and 53.2 (1976). Navajo's correspondence is in substantial compliance with the requirement of 4 C.F.R. 53.3 and 53.4 (1976), establishing the carrier's right to a review of a GSA settlement by the Comptroller General.

Navajo's correspondence dated January 28, 1976, concerns Government bill of lading No. D-8271398 which covered a shipment consisting of 1,624 pounds of blankets, NOI, from Clearfield, Utah, to Gallup, New Mexico, on June 23, 1972. TCD issued a notice of overcharge for \$57.65 which was collected from monies otherwise due the carrier. The carrier filed a protest to the amount deducted. On February 29, 1976, GSA issued a certificate of settlement for \$22.90 to the carrier. The certificate of settlement appears to be self-explanatory and apparently the carrier has not received it when it filed its request for review.

Navajo's correspondence dated August 17, 1976, concerns Government bill of lading No. F-7349731, dated December 21, 1972, which covered the transportation of 40 arm chairs weighing 2,800 pounds from Washington, D.C., to the Veterans Administration Hospital, Brooklyn, New York. Navajo assessed and the Government paid freight charges of \$391.16 on the shipment.

The origin of the shipment is shown on the Government bill of lading as Washington, D.C., and the full name of the shipper is shown as Shelby Williams Industries c/o G. M. Perry. Based on

jtb

00337

D-186603

this information TCD issued a Notice of Overcharge to Navajo on November 28, 1974, for \$133.28, an amount later collected by deduction.

Navajo contends that its original billing submitted is correct, that the Notice of Overcharge is based on incorrect information and claims refund of the \$133.28 collected by deduction. Navajo asserts that the origin of the shipment was incorrectly shown on Government bill of lading No. F-7349731 as Washington, D.C., and that the correct origin was Canton, Mississippi, as shown on its internal shipping documents (Navajo's Pro 75741955).

The General Services Administration has developed the record underlying the transportation of the arm chairs to Brooklyn.

The Veterans Administration states that it has no warehouse facilities in the Washington, D.C., area from which such a shipment could originate. The manufacturer of the arm chairs, Shelby Williams, states that during the calendar years 1972-73 the production points for chairs were Morristown, Tennessee, and Canton, Mississippi, that these points applied to all Shelby's Government contracts and that Washington, D.C., was merely the location of its ordering office and has never been the shipping point for either of the factories.

The Veterans Administration Hospital, Brooklyn, New York, has no records available indicating the origin of the shipment. The Veterans Administration, Washington, D.C., was also unable to supply information as to the shipment's origin. The General Services Administration's Washington, D.C., Office of Contracts was unable to locate the contract under which the arm chairs were purchased.

Sufficiently convincing evidence has been presented to rebut the presumption arising from the Government bill of lading that Washington, D.C., was the origin of the shipment and to prove that the actual origin was Canton, Mississippi, as asserted by Navajo.

GSA should allow Navajo's claim for \$133.28, if otherwise correct.

S.F. KELLER

Secretary Comptroller General  
of the United States