



DECISION

FILE: B-189578

DATE: NOV 23 1977

MATTER OF: Captain [redacted], USN (Retired)

DIGEST: It was administratively determined that packing of Navy member's household goods, which the inventory showed included antiques as well as sets of fine china and cut crystal for which he requested special handling resulted in special handling charges which were over and above the services required in the carrier's contract. Since the record supports the administrative determination and does not show clear evidence of error in such determination, which is primarily an administrative matter, this Office will not question the administrative determination of the member's liability for the excess costs.

This action is in response to the request of Captain [redacted], USN (Retired), [redacted], for review of the action taken by the Claims Division of this Office on April 18, 1977, in which it was concluded that he was indebted to the Government in the amount of \$782.55 for excess costs incurred for special services and excess weight in the shipment of his household goods incident to his retirement from the United States Navy. The Claims Division in its April 18, 1977 letter to Captain [redacted] stated that in the absence of any evidence showing the administrative excess cost determination was in error, the reported indebtedness in the sum of \$338.36 for costs for excess weight and \$444.19 for special services rendered by the carrier was correct. It appears that the member paid the amount of \$782.55 under protest. However, he has now agreed that the excess weight charges of \$338.36 were valid but is appealing the determination concerning the special service charges of \$444.19.

At the time of Captain [redacted] retirement, while stationed in Germany, he had his household goods shipped to nontemporary storage in Germany. In connection with this move, which was handled by the United States Army, the German shipper performed special services for which he billed the Army. The invoice from the carrier covering "special service" shows that the special charges were for "8 crates 242m lath-wood," "22 workhours for carpenters," "packing of antique furnitures - 9 manhours" and "special material" (7 rolls of tape and 75 cartons), for a total charge of DM 1,163.79 or \$444.19. The carrier's

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invoice was certified by Captain Lyle C. Harrison, TC, Ordering Officer, on September 13, 1974, as follows:

"I certify to the best of my knowledge that the services covered by this invoice have been rendered in accordance with the demand and the specifications covering the same."

Also, a Statement of Accessorial Services Performed (DD Form 619) dated July 30, 1974, signed by the member, lists those services as having been performed by the carrier. That form was also signed "for" Captain Lyle C. Harrison.

The member contends that he witnessed the packing of his household effects and that no special crates were used for his antique furniture and that no special packing services were rendered by the carrier. He also contends that any services which were rendered are for payment by the Government.

In his request for transportation of his household goods, signed by him, dated June 26, 1974, item 17c states:

"I will remit the proper amount or permit the application of as much of my pay as may be necessary to cover all excess costs occasioned by this shipment."

Thus the member was on notice that he would be required to pay any excess costs of the shipment.

While the member contends that the Navy advised the Army Bremerhaven Transportation Office that the Navy would pay for extra packing material required during the move, the file contains no evidence to that effect other than the member's statement.

The member contends that enclosure 5 and 6 to his May 12, 1977 letter to this Office supports his claim that he should not pay for the special services. Enclosure 5 is a letter to the member from the Transportation Division, Headquarters U.S. Forces Support District, Norddeutschland, dated October 12, 1974, which requested a dependent travel order in order that payment by the Government could be made

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for the extra service required in conjunction with his shipment. That letter does not state that the member would not have to pay for the special services. The normal procedure where no excess costs have been collected from the member prior to shipment, is for the Government to pay the charges and collect them from the member. See Army Regulation 55-71, para. 8-1 (change 1, dated May 27, 1974), wherein it is stated that the carrier will not be required to act as a collection agent for services contracted for by the Government and that payment to the carrier will be made by the Government for all services rendered.

Enclosure 6 is a letter from the Chief, Navy Section Military Assistance Advisory Group, Germany, to the writer of enclosure 5, stating that the Navy does not issue dependant travel orders and that household goods movement from Germany was authorized under Captain retirement orders. Thus neither enclosure supports the member's claim that he is not liable for the special charges.

Army Regulation 55-71, Chapter 8, in effect at the time of shipment, provides that for military personnel, excess costs will be determined by the Finance and Accounting Office making payment to the carrier. This determination was made and the member was notified by letter dated January 31, 1975, from the Chief, Transportation and Civil Pay Division, United States Army Central Finance and Accounting Office, Europe. This letter stated in part:

"Extra services performed by the carrier over and above the service rendered as outlined in the rate and service tender or contract constitute special handling and special services. The excess cost occurred due to special service and special handling of your household goods are to be borne by the HHG shipper."

The determination of excess costs incurred in household goods shipments is primarily a matter for administrative determination which this Office would not be warranted in questioning in the absence of the clearest evidence of error. See B-184877, July 22, 1976, and B-180184, Aug. 21, 1974. See also 56 Comp. Gen. 459 at 466 (1977). The present record does not show such error. On the contrary, it appears that the

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member did request special packing and services because of the listed special items and the member agreed to pay for excess costs. Further, the documents in the file indicate that the special services were performed, as certified to by the member and the transportation officer. His assertion that such services were not performed is not a sufficient basis for a holding that he is not liable for such charges.

Accordingly, we see no basis on which to reverse the administrative determination of the member's liability for the excess charges. Therefore, our Claims Division's determination of April 18, 1977, is sustained.

R. F. KELLER

Deputy

Comptroller General
of the United States