

DECISION



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

FILE: B-190541

DATE: November 28, 1977

MATTER OF: Lieutenant Colonel , USA
Retired

DIGEST: The question whether and to what extent authorized weights have been exceeded in the shipment of household effects by members of the uniformed services is considered to be a matter primarily for administrative determination and ordinarily will not be questioned by the General Accounting Office in the absence of evidence showing it to be clearly in error. Evidence of the weight of household effects shipped in a previous permanent change of station move, alone, is not sufficient to show that a different weight, substantiated by the shipping documents, in a subsequent shipment was erroneous.

This action is in response to a letter dated September 6, 1977, from Lieutenant Colonel USA, Retired, which constitutes an appeal from a settlement of the Claims Division of this Office dated March 17, 1977. That settlement upheld a determination by the Army that the member is liable to the United States in the amount of \$1,855.11 for excess transportation costs associated with shipment of her household effects incident to her permanent change of station (PCS) to and from Germany.

On June 14, 1973, the member's household goods were shipped on a Government Bill of Lading (GBL) from Manhattan, Kansas, to Bremerhaven, Germany, incident to a PCS. The actual weight of the shipment, as shown on the GBL, exceeded the member's weight allowance as established by the Joint Travel Regulations (JTR) by 561 pounds, resulting in a charge of \$320.42 against her for the excess weight shipment costs. On February 21, 1974, the member's household goods were shipped on a GBL from Bremerhaven, Germany, to San Francisco, California, as a result of the member's medical evacuation from Germany. The weight of this shipment exceeded the member's allowance by 2,606 pounds, resulting in an additional charge of \$1,534.69 for the excess.

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weight shipment costs. A dispute has arisen concerning the computation upon which the excess weight was determined. The member contends that the excess weight charge on the return of the household goods from Germany should not exceed the excess weight charge for the shipment to Germany and that the difference may have been that the return shipment was packed in wooden crates rather than boxes. The member questions whether she was given the proper allowance for professional books on the return shipment. She also asserts that because of her physical condition at the time of her return to the United States she was unable to dispose of some items and requests that some consideration be given to this factor.

The record shows that for the shipment to Germany, the member was authorized 3,350 pounds net weight for shipment of household goods and baggage and 1,675 pounds for shipment of professional books, for a total weight allowance of 5,025 pounds. Upon the return trip, the record shows that she was authorized 3,850 pounds net weight for shipment of household goods and baggage and 800 pounds for shipment of professional books, for a total weight allowance of 4,650 pounds. The GBL's for the shipments show the following:

	<u>To Germany</u>	<u>From Germany</u>
Gross Weight	8065	10542
Tare Weight	1920	2770
Net Weight	6145	7772

On both shipments, the member was given a 10 percent allowance for packing, which reduced the weights to which her weight allowances were applied to 5,530 pounds for the shipment to Germany and 6,995 pounds for the return shipment. There is nothing in the record and nothing submitted by the member to indicate in any way that the weights shown on the GBL were incorrect or that the tare weight did not include wooden packing crates, if such were used.

Section 406 of title 37, United States Code, provides for the transportation of household effects of members of the uniformed services to and from such places and within such weight allowances as may be prescribed by the Secretaries concerned. Implementing

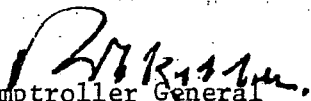
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regulations are contained in Chapter 8, Volume 1 of the Joint Travel Regulations (1 JTR). Paragraph M8003-2 of 1 JTR in effect at the time the member transported her effects (change 244, June 1, 1973) provided for administrative weight restrictions for members shipping household effects incident to PCS orders to or from overseas stations. Additionally, the prescribed allowance for interior packing materials as authorized by paragraph M8002-1, 1 JTR (change 243, May 1, 1973) is 10 percent of the gross weight of such shipment. Paragraph M8007-2, 1 JTR (change 244, June 1, 1973) provides that weight which exceeds the amount prescribed by regulation will be transported at the member's expense.

The question of whether and to what extent authorized weights have been exceeded in the shipment of household effects, is a question of fact considered to be a matter primarily for administrative determination and ordinarily will not be questioned in the absence of evidence showing it to be clearly in error. See B-171877.03, December 15, 1976; and B-158287, February 17, 1966.

In the absence of some evidence from an official source that the Army computations were in error, unsupported claims questioning the accuracy of such computation may not be accepted as a proper basis for allowing the member's claim. Evidence of the weight of household effects shipped in a previous PCS move, alone, is not sufficient to show that a different weight established by the shipping documents of a subsequent shipment is erroneous. See B-162530, March 13, 1970; B-175484, July 26, 1972; and B-189015, September 6, 1977. While it is unfortunate that member's physical condition may not have permitted her to dispose of some of her items before shipment from Germany, we are unaware of any authority which would permit an adjustment being made in a charge for shipment of excess weight in such circumstances.

Accordingly, in view of all the facts presented in this case, the evidence submitted by the claimant does not show that the administrative determination made by the Army was erroneous. Therefore, there is no basis upon which we may allow her claim and the action of the Claims Division disallowing the claim is sustained.


Deputy Comptroller General
of the United States