

DECISION

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

FILE: B-198336

DATE: June 9, 1981

MATTER OF: Carlos W. DiBella - [Transportation of Household Goods] - Excess Weight

DIGEST: In computing employee's cost for excess weight of household goods, the Government's share of the cost may not be based on the higher rate for the 11,000 pounds maximum rather than the lower rate for the billed weight of 16,000 pounds. Further, offset for not incurring unpacking charges may not be deducted from employee's cost for the excess weight. Federal Travel Regulations prescribe procedure for determining the charges payable by the employee for excess weight. These regulations have the force and effect of law and may not be modified by the employing agency or the General Accounting Office regardless of the existence of any extenuating circumstances. Computation must be based on total charges multiplied by ratio of excess weight to total weight of shipment (15,900 pounds).

In this case we decide that the Department of Energy, Oak Ridge Operations, used the correct formula when it charged an employee, Mr. Carlos W. DiBella, for the cost of shipping his household goods in excess of the maximum weight limitation of 11,000 pounds.

Mr. DiBella shipped 15,900 pounds of household goods by Government Bill of Lading (GBL) incident to his permanent change of station from Annandale, Virginia, to Oak Ridge, Tennessee. He agrees that he should pay for the excess weight but disputes the method of calculation. He would apply the carrier's higher rate of \$11.08 per hundred weight for the first 11,000 pounds in determining the Government's share of the cost, rather than the lower charge of \$10.42 per hundred weight for the total billed weight of 16,000 pounds. He also believes he should be given credit for unpacking charges since none were incurred and he saved the Government money.

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According to B. B. Hensley, Authorized Certifying Officer, Mr. DiBella did not take into account that the lower rate for 16,000 pounds gave him a lower charge for the excess 5,000 pounds which he would have been required to pay at the higher rate had he shipped this excess commercially rather than by GBL. Concerning packing, Mr. Hensley observes that since there was no charge for unpacking and Mr. DiBella claimed none, he is not entitled to offset this savings to the Government.

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Authority for transporting the household effects of transferred employees at Government expense is found at 5 U.S.C. § 5724(a) (1976), which establishes 11,000 pounds as the maximum weight of goods authorized to be transported. As the 11,000 pound weight limitation is statutory, no Government agency or employee has the authority to permit transportation in excess of the weight limitation.

Implementing regulations for the transportation and temporary storage of household goods are contained at chapter 2, Part 8 of the Federal Travel Regulations (FPMR 101-7, May 1973). If property shipped by GBL exceeds the weight allowable (11,000 pounds), paragraph 2-8.3b(5) of the Federal Travel Regulations imposes on the employee the " * * * charges applicable to the excess weight, computed from the total charges according to [multiplied by] the ratio of excess weight to the total weight of the shipment." We agree that the amount computed and charged Mr. DiBella followed this formula. However, we note that the agency used the carrier's billed weight of 16,000 pounds instead of the actual weight shipped of 15,900 pounds. A change should be made accordingly.

The Federal Travel Regulations have the force and effect of law and may not be waived or modified by the employing agency or the General Accounting Office regardless of any extenuating circumstances. Ronald E. Adams, B-199545, August 22, 1980. @08

Accordingly, Mr. DiBella is required to pay the total amount of charges properly computed on the basis of 15,900 pounds under paragraph 2-8.3b(5) of the Federal Travel Regulations.

Milton J. Acosta

Acting Comptroller General
of the United States

F.T.R.
para.
2-8.3b