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DECISION



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

[Determination of Net Weight of Household Goods]

FILE: 198510

DATE: March 9, 1981

MATTER OF: Wayne I. Tucker

DIGEST:

1. When tare (container) weight is not on Government bill of lading (GBL), it is determined by subtracting net weight from gross weight.
2. Lift vans and overflow box are "containers" within meaning of paragraph 2-8.2b(3) of Federal Travel Regulations (FTR); thus net weight of household goods shipment is determined by applying 85 percent to gross weight and subtracting weight of containers.
3. Under usual household goods carriers' Tender of Service net weight of containerized shipment contains weight of packing and household goods.
4. Assessment of excess weight against employee was improper where excess weight was determined on basis of net weight shown on GBL; proper formula for determining net weight of containerized shipment in paragraph 2-8.2b(3) of FTR results in net weight below employee's authorized maximum weight.

A certifying officer, Office of Management and Support, Department of Energy, Dallas, Texas, ^{DL6062} requests an advance decision pursuant to the act of December 29, 1941, 55 Stat. 876, 31 U.S.C. 82d, concerning the proper method for determining the net weight of the household goods of an employee on change of station.

In connection with the permanent change of official station of Wayne I. Tucker, the Government arranged for the transportation of his household goods from Panama, Canal

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Zone (now, Republic of Panama), to Dallas, Texas, in 1978. In accordance with 5 U.S.C. 5724(a) (1976), and the Federal Travel Regulations (FTR), FPMR 101-7, paragraph 2-8.2a (FPMR Temp. Reg. A-11, Supp. 4, April 1977), Mr. Tucker was authorized shipment of a maximum net weight of 11,000 pounds. The employee's voucher was paid on the net weight shown on the Government bills of lading (GBL), 11,060 pounds; therefore, the cost of excess weight was assessed.

Mr. Tucker contends that his household goods should have been considered as a "crated" shipment, and the net weight determined by applying the formula in paragraph 2-8.2b(2) of the FTR, which is 60 percent of the gross weight. The gross weight, as shown on the GBLs, is 13,710 pounds, and 60 percent of that weight is 8,226 pounds, which would be within Mr. Tucker's allowance.

Paragraph 2-8.2b(3), which is applicable to "containerized" shipments, provides a different method of determining net weight than that for "crated" shipments. This paragraph provides that if the "known tare weight" does not include the weight of interior bracing and padding materials, but only the weight of the container, the net weight of the household goods is to be computed at 85 percent of the gross weight less the weight of the container. But if the known tare weight does include interior bracing and padding materials the net weight is to be computed as an "uncrated" shipment which is covered by subparagraph b(1) and the net weight shall be that shown on the bill of lading or on the weight certificate. Finally, if the gross weight of the container cannot be obtained, the net weight of the household goods is to be determined from the cubic measurement on the basis of 7 pounds per cubic foot of properly loaded container space.

Since the weight of the containers and the tare weight are not shown on the GBLs, the certifying officer contends that it is not possible to determine the net weight under paragraph 2-8.2b(3). However, the tare weight can be computed. The gross weight of the shipment is shown on the GBLs, and since the net weight is the difference between the gross weight and tare weight, tare weight of 2,650 pounds can be determined by subtracting the net weight shown on the GBLs (11,060 pounds) from the gross weight (13,710 pounds).

There are two pertinent factual questions: (1) whether the shipment was "crated" or "containerized," and (2) whether the tare weight includes the weight of packing materials.

Reference to the GBLs and to common practice, as reflected in household goods carriers' Tenders of Service, and in the Personal Property Traffic Management Regulation (DOD 4500.34-R) lead to the conclusion that the method provided in paragraph 2-8.2b(3) of the FTR is applicable to Mr. Tucker's shipment. Although DOD 4500.34-R concerns the movement of personal property for Department of Defense personnel, they are instructional regulations (see B-195256, November 15, 1979) and, as such, we consider them relevant in determining the common practice of carriers in handling international door-to-door container shipments for employees of civilian agencies.

The record indicates that Mr. Tucker's was an international door-to-door containerized shipment, which the Government managed throughout by the Direct Procurement Method. See paragraph 2001(l) of DOD 4500.34-R. Under this method it seems clear that while the weight of the containers is known in advance of loading, for practical reasons the separate weights of the household goods and packing materials that are stuffed into the containers are not known at the origin residence; therefore, the combined weight is determined after loading.

GBL K-3438012, dated October 2, 1978, describes the shipment as consisting of "7 liftvans" and "1 wooden box" of household and personal effects. Liftvans are specifically mentioned in subparagraph b(3) of paragraph 2-8.2 of the FTR under "containerized" shipments. The bills of lading show that the shipment also contained one wooden box. However, household goods shipping boxes designed normally for repeated use are also covered by subparagraph b(3). There is no showing by Mr. Tucker or by anything in the record that the wooden box was a crate.

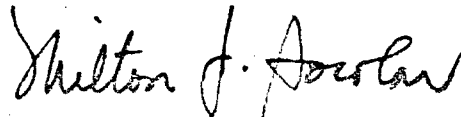
Paragraph 20 of the Tender of Service, DOD 4500.34-R, Appendix, page A-4, provides that the net weight of all codes of service will consist of the actual household goods and all packing. Paragraph 40 thereof, provides that containers and overflow boxes, when moving in door-to-door service, will be packed and stuffed at the origin residence unless a specific exception is authorized.

In the absence of evidence to the contrary, the above warrants the following presumptions: that the gross weight of the shipment (shown on the GBLs as 13,710 pounds) includes the weight of the containers, packing, and household goods; that the Panama Packing & Storage Company packed and stuffed the shipment at Mr. Tucker's residence at origin,

and that the net weight, contained on the GBLs issued to the Panama Canal Company and to McLean, consists of the weight of all the packing materials as well as the household goods; and that the weight of the empty containers and overflow box, is the equivalent of the tare weight, 2,650 pounds, because the packing is included in the net weight.

Therefore, computation of the net weight for transportation allowance purposes on the basis of paragraph 2-8.2b(3) is possible. Applying the formula, 85 percent of the gross weight (13,710 pounds) is 11,654 pounds, minus the weight of the containers (2,650 pounds) is 9,004 pounds, results in the conclusion that the net weight of Mr. Tucker's shipment did not exceed his authorized weight allowance of 11,000 pounds.

Accordingly, it would be improper to assess Mr. Tucker for costs of excess weight.



Acting Comptroller General
of the United States