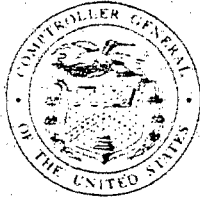


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DECISION



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

FILE: B-199109

DATE: August 15, 1980

MATTER OF: Major John D. Knowles, USA *PN, R*

DIGEST: A service member is charged the cost of shipping household goods in excess of his weight allowance, but asserts that because the transportation officer failed to notify him of the excess weight in accordance with Army regulations, he should not be charged for the costs. The regulations authorized by 37 U.S.C. 406 providing entitlement to transportation of household goods are contained in Volume 1, Joint Travel Regulations (1 JTR), not the Army regulations. Para. M8007-2, 1 JTR, provides that cost of shipping household goods in excess of authorized weight will be borne by the member. Failure of a transportation officer to notify member of excess weight is not a criteria for exempting a member from paying these costs.

[Costs]

This action is in response to a letter dated May 8, 1980, from Major John D. Knowles, USA, requesting further consideration of his claim for reimbursement for amounts charged him for an excess weight shipment of household goods incident to a permanent change-of-station assignment in June 1976.

The matter of that claim was the subject of a disallowance by our Claims Division dated February 6, 1980, for the reason that while the Government will ship all of a member's goods presented for shipment, its maximum obligation under the law is the cost of that shipment which is not in excess of the member's prescribed weight allowance.

Major Knowles contends that under the provisions of paragraph 5.3b of Army Regulation 55-71, the transportation officer, if he knows the member's shipment is overweight, has the obligation to attempt to notify the member of the overweight, prior to shipment so that the member can make a decision as to whether he will ship the excess goods or

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B-199109

place them in storage. As a result, he questions the transportation officer's authority to obligate him to these overweight charges without determining his views of the matter.

We do not consider the argument raised by Major Knowles to constitute a basis for reimbursing him the costs of the excess weight of his shipment.

Army Regulation 55-71 establishes Army policies and procedures for the transportation of household goods, and outlines the provisions of related services for Army personnel. However, it does not provide the basic entitlements to such services. Those are provided in chapter 8, Volume 1, Joint Travel Regulations (1 JTR) prescribed pursuant to 37 U.S.C. 406. Thus, Army Regulation 55-71 does not provide additional entitlements nor does it confer benefits not specifically authorized by the statute or the JTR. In a case such as this where the weight of the household goods is established by weight certificate, a failure to follow procedural or instructional regulations, standing alone, is not sufficient to relieve the member of the charges for excess weight. See B-190687, March 22, 1978; and B-189888, March 22, 1978.

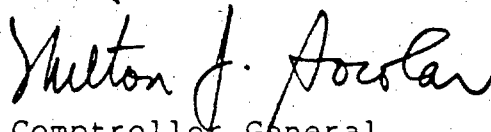
The liability of the Government for the cost of transporting a member's household goods incident to a change of permanent station is limited to that authorized by law (37 U.S.C. 406) and implementing regulations (1 JTR). Paragraph M8002, 1 JTR, provides that household effects of members may be transported at Government expense in accordance with the provisions of those regulations, but not in excess of the weight limit prescribed under paragraph M8003. Provision is also made therein for a percentage increase in weight to allow for packing and crating. Paragraph M8007-2 provides that the Government's maximum transportation obligation is the cost of a through household goods movement in one lot between authorized places. That paragraph also provides "[T]he member will bear all transportation costs * * * for weights in excess of the maximum allowance prescribed * * *."

B-199109

Nothing is contained in the law or the JTR's authorizing that an exemption from imposition of charges may be granted a member because a transportation officer may not have notified the member of possible excess weight. While the Government will ship a member's household goods which are presented for shipment and authorized incident to ordered changes of station, the shipment of that portion which is in excess of the weight authorized is done as a courtesy to him. However, as a matter of law, the Government is only responsible for the cost of shipping the goods within the authorized weight allowance and all cost of shipment in excess of the weight authorized is to be borne by the member.

In the present case, it was determined that 297 pounds of goods in excess of the member's authorized allowance was shipped at a cost to the Government of \$222.75. In the circumstances the member has the responsibility to reimburse the Government the cost of the excess weight.

Accordingly, the action taken by our Claims Division disallowing the claim is sustained.



For The Comptroller General
of the United States