

DECISION

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

FILE: B-201632**DATE:** October 8, 1981**MATTER OF:** Richard G. Dunnington--Transportation of Household Effects

DIGEST: Although actual expense method of moving household effects may be used where a pre-determination is made that that method is likely to be less costly than reimbursement under the commuted rate system, transferred employee who is not authorized to ship household effects under actual expense method must be reimbursed under the commuted rate system. Employee's claim for charge by mover for expedited or special service which exceeds commuted rate may not be allowed since there is no authority to pay transportation charges in excess of those provided under that system.

This action is the result of an appeal from the settlement of our Claims Group dated June 12, 1980, which denied Mr. Richard G. Dunnington's claim for the amount by which the actual expense of shipping his household goods by commercial bill of lading exceeded his authorized reimbursement on a commuted rate basis. He apparently paid the mover for expedited or special service which caused his costs to exceed the reimbursement he received at the commuted rate. Since there is no authority to pay transportation expenses in excess of the allowable commuted rate when the commuted rate system is used, there is no basis to pay the employee's claim.

On July 20, 1979, the Internal Revenue Service (IRS) notified Mr. Dunnington, an employee, that he was to be transferred from New Jersey to Johnstown, Pennsylvania, effective August 13, 1979. Mr. Dunnington was to obtain an estimate from a mover for the purpose of enabling IRS to determine whether to authorize transportation of his household goods under the commuted rate system or on an actual expense basis. The employee submitted an estimate prepared by a commercial mover based on transporting 9,800 pounds of household goods even though only 3,260 pounds actually were to be shipped. The cost estimate was based on a constructive weight of 9,800 pounds because the employee had requested delivery by August 13, which the mover understood to be a request for expedited service. The mover has explained that when expedited service is requested, transportation charges are based on the constructive weight of the loaded van even though the

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B-201632

individual's household goods may occupy only a portion of that space.

Mr. Dunnington states the cost comparison had not been completed by August 7, the day before the mover proposed to begin moving operations in order to meet the August 13 delivery date. He states that when he inquired about his transportation entitlement, he was told to go ahead with the proposed arrangements.

Although IRS did not authorize actual expenses, issue a Government Bill of Lading, or make the moving arrangements, the employee states that he was left with the impression that IRS was paying for the entire move. The employee points out that he was provided no counseling or guidelines for the move, except that he was required to present a mover's estimate, and he states that he acted in good faith in arranging his move and submitting the estimate. His actual expenses of moving by expedited service exceeded the reimbursement under the commuted rate system by \$633.

Use of the commuted rate system for transportation of household effects is authorized at 5 U.S.C. 5724(c) (1976) which generally provides that a transferred employee shall be reimbursed on a commuted rate basis at rates fixed under regulations, instead of being paid for the actual expenses of transporting his household goods and personal effects. Provisions implementing this authority are found in the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973). In determining the amount to be reimbursed in a given case, FTR para. 2-8.3a(2) provides in part that:

"* * * If an employee is charged a minimum weight above the actual weight of his household goods under the applicable tariff (other than one based on expedited or special services) the reimbursement shall be based on the minimum weight as charged instead of the actual weight of the goods." (Emphasis added.)

In determining whether the commuted rate method or the actual expense method is to be used in a given case, FTR para. 2-8.3c(3) provides that as a general policy, commuted

B-201632

rates shall be used when individual transfers are involved. The actual expense method may be authorized when it is administratively determined that that method is likely to be less costly than reimbursement under the commuted rate system. FTR para. 2-8.3c(4)(a). These regulatory provisions place on the administrative office the responsibility for deciding, based upon the guidelines provided, which system should be used in a given case. Once that determination is administratively made, payment is authorized only in accordance with the system selected. B-168466, January 21, 1970.

In the present case, Mr. Dunnington was not authorized transportation of household goods on an actual expense basis so his reimbursement must be calculated under the commuted rate system. The regulations, FTR para. 2-8.3a(2), provide that under that system, the amount to be paid is computed by multiplying the number of hundreds of pounds shipped by the applicable rate per hundred pounds for the distance shipped as shown in the commuted rate schedule. Mr. Dunnington was reimbursed based on the commuted rate schedule in effect at the time he incurred the charges. Since the extra amount charged for the minimum weight of 9,800 pounds was for expedited service, such charges are specifically excluded under FTR para. 2-8.3a(2). Under these circumstances no authority exists to compensate the employee for the difference between reimbursement under the commuted rate and the charges he was required to pay the mover. David V. Craig, B-200479, April 16, 1981. A. L. Strasfogel, B-186975, March 16, 1977.

Accordingly, the denial of Mr. Dunnington's claim is sustained.

Acting


Comptroller General
of the United States