



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** Dr. Kurt Euller - Waiver - Charges for Excess  
Weight of Household Goods Shipment

**File:** B-226755

**Date:** October 26, 1988

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### DIGEST

1. A Veterans Administration employee's household goods shipment made in connection with a permanent change of duty station exceeded his weight allowances by 4,820 pounds. As is standard government practice under the Government Bill of Lading system, the agency paid the carrier's bill and requests reimbursement from the employee for the excess weight costs--\$2,362.60 in this case. Because this is standard, long-standing practice no "error" has been made; therefore, no waiver may be granted under statute allowing waiver of debts arising out of "erroneous payments."

2. If the agency can make certifications required by the Federal Travel Regulations, the agency may make an allowance for shipment of employee's professional books as an administrative expense, and their weight need not be applied against his household goods weight allowance.

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### DECISION

We are asked by the Director, Office of Budget and Finance, Veterans Administration, whether waiver of a debt is proper in the case of Dr. Kurt Euller, an employee of the Veterans Administration. We find that because the debt arose from Dr. Euller exceeding his weight allowance in the shipment of his household goods and no erroneous payment was involved, the debt is not subject to waiver under the waiver statute, 5 U.S.C. § 5584.

Dr. Euller was transferred from Rennselaer, New York, to Monroe, Wisconsin, in July 1986. His household goods were transported by a commercial carrier under a Government Bill of Lading (GBL) and exceeded the 18,000-pound statutory limit by 4,820 pounds, resulting in Dr. Euller's \$2,362.60 debt to the government for the shipping charges for the excess weight.

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The Comptroller General has authority to waive an employee's liability for debts arising out of certain "erroneous payments" where collection would be "against equity and good conscience and not in the best interests of the United States" and there is no indication of "fraud, misrepresentation, fault, or lack of good faith" on the part of the person whose debt is requested to be waived. 5 U.S.C. § 5584 (1982). This section has recently been amended to extend that waiver authority to erroneous payments of travel and transportation expenses. Pub. L. No. 99-224, 99 Stat. 1741 (1985). In our recent decision, Transportation Debt Waivers, B-229337, June 21, 1988, 67 Comp. Gen. \_\_\_\_ (1988), we discussed some general principles for applying this newly expanded waiver authority to debts arising from transportation expenses. We noted in that case that:

"[i]t is the long standing practice of government agencies to ship the total weight of a qualifying individual's household goods at government expense and to then collect any charges for excess weight from the individual . . . . When a household goods shipment is made under this system, the GBL constitutes a contract between the government and the carrier under which the carrier is entitled to be paid for its services."

Since this is standard practice, no "error" has been made--the government has merely made payment to satisfy its obligation to the carrier<sup>1/</sup>--and claims against employees arising from such payments may not be waived under 5 U.S.C. § 5584. We did note in the decision that there may be some unusual cases where the excess weight charges were incurred as the result of government error, such as erroneous authorizing orders.

In this case there is no indication that Dr. Euler's orders were erroneous or that he was otherwise given erroneous authorization to exceed his 18,000-pound allowance. The file does indicate that Dr. Euler was not provided the agency's complete pre-move counseling; however, it is clear that Dr. Euler knew that his weight allowance was only 18,000 pounds. He has complained that the carrier's initial 16,700-pound estimate of the weight of his goods was inaccurate and that based on that estimate he shipped goods

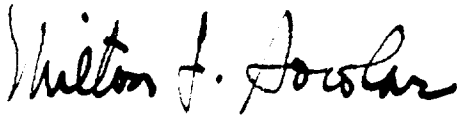
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<sup>1/</sup> See also B-190576, Feb. 10, 1978, and decisions cited therein, discussing the government's obligation to pay the carrier regardless of the employee's entitlement to the transportation.

he would not otherwise have shipped. The carrier's representative, however, complained to the agency shortly after picking up Dr. Euller's shipment that many items had been shipped that had not been made known to the carrier's representative who made the original weight estimates. These items were said to include chain link fencing with cement still attached to poles and a 2-year supply of food weighing about 3,000 pounds.

In any event, we see no government error of the type referred to in B-229337, supra, which led to Dr. Euller exceeding his weight allowance in this case. Accordingly, Dr. Euller's debt for the excess weight did not arise out of an erroneous payment and, consequently, is not subject to waiver under 5 U.S.C. § 5584.

There is information in the record, however, indicating that Dr. Euller's shipment included approximately 1,000 pounds of professional books. Although their weight is not shown separately on the bill of lading, the carrier's inventory lists several boxes as containing "professional papers" with the weight of each box shown and Dr. Euller has furnished a listing of such material he included in the shipment. Under paragraph 2-8.2a-1 of the Federal Travel Regulations (FTR) professional books, papers and equipment may be shipped as an administrative expense of the agency, with their weight not charged to the employee's weight allowance, provided that certain conditions are met. If the agency can make the certifications required by the FTR, an allowance may be made for the shipment of Dr. Euller's professional books and papers and his debt may be reduced accordingly. See Ganesh C. Bhuzan, B-202906, Sept. 15, 1982.

*for*   
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