



Office of the General Counsel

B-253810

October 7, 1993

Ms. Gail Cunningham  
Authorized Certifying Officer  
Bureau of Reclamation  
Finance and Accounting Division  
Department of the Interior  
7201 West Mansfield Avenue  
Denver, Colorado 80235-2228

Dear Ms. Cunningham:

This further replies to your request for review of the excess weight charges on the household goods shipment of Mrs. incident to her transfer from Wofford Heights, California, to Oklahoma City, Oklahoma.

Although you have not provided copies of the shipping documents, you furnished a copy of a March 23, 1993, letter from the General Services Administration (GSA) to the Bureau of Reclamation concerning GSA's review of this shipment which provides the following facts. Mrs. shipment was made under the actual expense method with a government bill of lading, and there were two sets of weight tickets furnished by the mover to establish the weight of her shipment. The set of tickets that the mover obtained when he picked up the shipment in California in his van showed the weight to be 20,990 pounds; the set of tickets obtained when the shipment was reweighed at Mrs. request after being delivered out of temporary storage at Oklahoma City showed the weight to be 21,740 pounds. The mover based his charges for the shipment upon the higher reweigh weight of 21,740 pounds.

Absent computational errors or fraud, the government is bound by a weight certificate unless the certificate is shown to be invalid. 62 Comp. Gen. 19 (1982). Although Mrs. offered the weight of her prior move to Wofford (15,911 pounds) and a comparison of the households goods inventory of that move to the current move to Oklahoma City as evidence that the weight tickets the mover obtained in this case were invalid, this kind of evidence alone is insufficient to establish error in the weight tickets. B-218985, Jan. 15, 1986.

This is thoroughly explained in the March 23 letter, referred to above, from GSA after their review of Mrs. case, and which explained why her evidence did not establish that the weight tickets were suspect. We see no basis for us to disagree with GSA on this point.

As to Mrs. contention that the weight obtained at the origin of the shipment rather than the greater reweigh weight should be used as the basis for Mrs. over-weight charges, the GSA review letter notes that the mover based his charges on the higher reweigh weight because the Rate Tender under which the mover operated required that the reweigh weight be used as the basis for charges. This requirement in the Rate Tender is consistent with the same requirement governing movers set by the Interstate Commerce Commission in 49 C.F.R. § 1056.7(c). Therefore, it appears the mover properly based his charges to the government on the reweigh weight. Since under section 302-8.3(b)(5) of the Federal Travel Regulation, the employee whose goods are shipped is required to reimburse the government for excess weight charges based on a specified ratio of the "total charges" for the shipment, the weight used in computing those charges must be used in computing the excess weight charges under the specified formula. As explained above, the mover was required to use the reweigh weight as the basis for his charges for the shipment, whether that weight was higher or lower than the weight obtained at the origin of the shipment.<sup>1</sup> Since the mover based his charges on this weight, you are correct in computing Mrs. excess weight charges using this weight.

Sincerely yours,

*James F. Hinchman*

*for*  
James F. Hinchman  
General Counsel

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<sup>1</sup>Until 1981 the Interstate Commerce Commission provided that when a mover reweighed household goods, the mover's charges would be based on the lower of the two net weights. See 49 C.F.R. § 1056.6(d) (1980). See also , B-213543, Dec. 7, 1983, in which the excess weight charges were not based upon the higher reweigh weight but upon the lower weight obtained at the origin of the shipment.