



19232

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

In Reply
Refer to: B-200795

AUG 24 1981

Do not make available to public reading room

The Honorable Clarence D. Long
House of Representatives

Dear Mr. Long:

This responds to your letter of July 1, 1981, concerning Mr. William R. O'Brien.

Mr. O'Brien has requested that we reconsider our decision William R. O'Brien, B-200795, May 26, 1981. In that decision we found Mr. O'Brien liable for the cost of shipping that portion of his household goods by Government Bill of Lading which exceeded the maximum weight authorized by 5 U.S.C. 5724(a)(1976). Mr. O'Brien maintains that he took every precaution to ensure that his shipment of household goods was within the amount allowed.

We have no disagreement with Mr. O'Brien concerning the facts. However, section 5724(a) of title 5, United States Code, authorizes the shipment of household goods not in excess of 11,000 pounds net weight. Mr. O'Brien's shipment exceeded 11,000 pounds. The statutory language is clear and unequivocal on its face, and this Office is unable to waive or modify provisions of law regardless of any extenuating circumstances which may be present. 53 Comp. Gen. 364 (1973). For this reason we do not believe that it would be useful to reconsider our prior decision. However, we can assure you that every consideration was given to Mr. O'Brien's claim in our Claims Settlement of September 2, 1980, and our decision of May 26, 1981.

We trust this satisfactorily responds to your inquiry.

Sincerely yours,
MILTON J. SOCOLAR

Acting Comptroller General
of the United States

518192