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United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-199442 (DAS)

February 25, 1981

Glen F. Smith
29 Reunion Road
Elkview, West Virginia 25071

Do not make available to public reading room

Dear Mr. Smith:

We refer to your letter dated June 24, 1980, in which you question the fairness of the method by which employees are assessed costs of moving household effects which exceed 11,000 pounds.

Our Office has already considered on many occasions the question you raise as to the method of computing excess costs under the Federal Travel Regulation, paragraph 2-8.3b(5) (FPMR 101-7 May 1973). See Jack McGee, B-199303, August 22, 1980; Ronald E. Adams, B-199545, August 22, 1980; Alan Lee Olson, B-191518, October 10, 1978 (copies enclosed). In the cited decisions the claimants contended that the excess costs to the employee should have been based on the constructive costs of an 11,000 pound shipment. However, our Office determined that the computations made by the agency as set forth in the Federal Travel Regulations were correct and the arguments by the claimants were rejected. The reason for this is that the Federal Travel Regulations have the force and effect of law and may not be waived by the employing agency or this office regardless of any extenuating circumstances.

You also refer to the claim of Mr. L. Odell Larson concerning this issue. Mr. Larson's claim was denied on July 7, 1980, on the same grounds as set forth in this letter.

As you can see this issue has already been decided. However, if after reading this information you still wish to file a claim with our Office, you should address your claim to Claims Group, Audit and Fiscal Management Division, United States General Accounting Office, Washington, D.C. 20548.

Sincerely yours,

Robert L. Higgins
Robert L. Higgins
Assistant General Counsel



Enclosures

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