

DOCUMENT RESUME

03208 - [A2373506]

[Reconsideration of Claim for Reimbursement of Excess Costs for Transportation of Household Goods]. B-189388. August 23, 1977. 4 pp.

Decision re: Lt. Col. Karl J. Toth; by Robert F. Keller, Acting Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Military Personnel.  
Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Department of the Air Force.

Authority: 37 U.S.C. 406. 1 J.T.R., ch. 8. B-180184 (1974).  
B-184877 (1976). B-180897 (1975).

The claimant requested reconsideration of the denial of his claim for reimbursement of the amount collected from him for excess costs incurred for the transportation of his household effects to his new permanent duty station. The weight which exceeded the weight allowance prescribed by regulation was not subject to change since the weight of household effects is left to administrative discretion. Although the member alleged that someone else's effects were included with his when his effects were weighed, the administrative office rejected that assertion and, without clear evidence of administrative error, GAO was not warranted in questioning the determination. (Author/SC)

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**DECISION**



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

FILE: B-189388

DATE: AUG 23 1977

MATTER OF: Lieutenant Colonel Karl J. Toth, USAF

**DIGEST:** Weight of household effects shipped by Air Force member incident to change of permanent duty station which exceeded his weight allowance prescribed by regulation is not subject to change since weight of household effects is left to administrative determination. Although the member alleges that someone else's effects were included with his when his effects were weighed, the administrative office considered and rejected that assertion and, absent clear evidence of administrative error, this Office is not warranted in questioning such determination.

This action is in response to a letter dated May 10, 1977, from Lieutenant Colonel Karl J. Toth, USAF, requesting reconsideration of our Claims Division settlement of April 11, 1977, which disallowed his claim for reimbursement of \$202.69, the amount collected from him for excess cost incurred for the transportation of his household effects to his new permanent duty station at Wright-Patterson Air Force Base (AFB), Ohio, in 1972.

The record shows that by application dated June 27, 1972, the member, incident to a change of permanent duty station, applied to have his household effects shipped from Loring Air Force Base (AFB), Maine, to Wright-Patterson AFB, Ohio. The weight of the member's household effects which were to be shipped was determined to be 15,620 pounds at point of origin. The effects were transported to Dayton, Ohio, where on July 15, 1972, they were placed into storage where they remained until September 1, 1972, when they were delivered to the member's new permanent duty station, Wright-Patterson AFB. Prior to being placed in storage, the effects were reweighed and found to weigh 15,780 pounds. Receipt of the member's effects at his new duty station revealed that several pieces of furniture were delivered which did not belong to him. The member states that he notified the Wright-Patterson AFB Transportation Office and the Moving Company that extra items had been delivered to his home and expressed his concern that the extra items might have been included in the weight of his household effects. In reviewing the matter a traffic management specialist at Wright-Patterson AFB in a letter

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dated March 13, 1974, concluded that after subtracting the weight of packing material and professional items, the member's effects exceeded his weight allowance by 898 pounds. He also states that:

"\* \* \* a three cushion couch, a dinette set, table, six chairs and a rolled carpet were initially delivered to member, but did not belong to him. It is the belief of this office that the weight of those items were part of the total weight of Major Toth's shipment. However, items were not weighed at time and were returned to agent's warehouse."

It was recommended that the member's excess cost be adjusted accordingly. No weights were shown for the extra items.

The matter was considered further and by letter dated October 31, 1974, from the Chief, Traffic Division, Headquarters Strategic Air Command, it was concluded that the member's allegations were erroneous and could not be sustained because "the items inadvertently delivered to the member from storage had no effect on the weight of the shipment." It was indicated that although a discrepancy existed between the original weight of the goods and the reweigh weight, no prejudice to the member resulted because "the excess was computed on the lower of the two scale tickets." In view of their findings, the Air Force concluded that collection of excess cost from the member should be continued.

It is member's contention that he should not be responsible for the excess transportation charges because there exists a doubt whether or not the improperly delivered items were included in the total weight for his household effects. He states that the van which picked up his effects at origin was already partially loaded with another shipment and the extra items delivered to him at destination may have been part of that shipment. He argues that the burden of proving exactly what was shipped should not fall upon him because it is impossible to ascertain the point at which the extra items were included in his shipment. Also, since no one weighed the extra items before they were returned to the moving company, it is now impossible to document the exact weight of those items. Moreover, the member states that a subsequent shipment of his household effects 23 months after the move in question did not exceed weight limitations even though two appliances were added to

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the effects and nothing was sold. Thus, concludes the member, the extra items must have been included in his effects when they were weighed at the point of origin causing his household effects to be in excess of the prescribed weight allowance.

Section 406 of title 37, United States Code, provides for shipment of a member's household effects at Government expense subject to such conditions and limitations as the Secretaries concerned may prescribe. Chapter 8 of Volume 1, of the Joint Travel Regulations, issued pursuant to 37 U.S.C. 406, provides that household goods of members may be transported at Government expense within prescribed weight allowances, and that any excess weight will be transported at the owner's expense.

Because we do not have firsthand knowledge of the facts and circumstances which give rise to the various claims submitted to this Office, we must base our decisions upon factual information furnished by the claimants and reports obtained from the various administrative agencies.

The question of to what extent authorized shipping weights have been exceeded in a shipment of a member's household effects and the amount of excess costs involved is a matter primarily for administrative determination. Without a clear showing of error in the administrative determination, we must accept that determination. See B-180184, August 21, 1974. With respect to the weight of the household effects which were shipped, it has been administratively reported by the Air Force that the shipment in question was weighed twice and the lower weight was used to compute the member's charges. The report considered specifically the possibility that household effects not belonging to the member had been included in the weight computation. However, the agency concluded that the extra items were taken from storage and did not affect the weight of the member's household effects. Nothing in the record before us shows that the conclusions of the agency are in error. Therefore, absent such a showing of error we must accept the Air Force's determination as being the correct one. See B-184877, July 22, 1976.

The overall weight of a member's effects in a prior or subsequent move is not necessarily indicative of the weight of the move in question because of the possibility for inclusions and exclusions of household items which would vary the overall weight of the prior or subsequent move. This is particularly true when the shipments

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are made over an extended period of time such as 23 months. Thus, we do not feel we may use the weight of the member's household effects transported in a subsequent move almost 2 years later to establish the weight of the member's effects in the earlier move. See B-180897, April 21, 1975.

Therefore, under the circumstances disclosed, we do not find sufficient basis to conclude that the weights used in the administrative computation of the excess costs were not correct. Accordingly, the settlement of April 11, 1977, is sustained.

R. F. KELLER

Acting Comptroller General  
of the United States