

DOCUMENT RESUME

03536 - [A2513649]

[Home Leave--Unaccompanied Baggage Costs in Excess of Amount Authorized]. B-186135. September 7, 1977. 2 pp.

Decision re: Paul A. Brown; by Robert F. Keller, Deputy Comptroller General.

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

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

Organization Concerned: Drug Enforcement Administration.
Authority: 49 C.F.R. 1056.6.

The Office of the Controller of the Drug Enforcement Administration requested an advance decision whether an employee may be relieved of the liability for part of the charges for air shipment of unaccompanied baggage in excess of the 700 pounds administratively authorized incident to home leave. The agency may not relieve the employee of the liability for the costs of shipping this baggage on the basis of the record presented.
(Author/SC)

D. Bloor
Clerk

3649

03536

DECISION



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

FILE: B-166135

DATE: September 7, 1977

**MATTER OF: Paul A. Brown - Home Leave - Unaccompanied
Baggage Costs in Excess of Amount Authorized**

**DIGEST: Employee was authorized 700 pounds of air freight
as unaccompanied baggage incident to home leave
travel. Agency on the record presented may not
relieve employee of liability for costs of such
baggage in excess of 700 pounds.**

The Office of Controller, Drug Enforcement Administration (DEA), Department of Justice, requests a decision as to whether Mr. Paul A. Brown, an employee of DEA, may be relieved of the liability for that part of the charges for the shipment by air of unaccompanied baggage in excess of the 700 pounds administratively authorized incident to home leave.

The record shows that on permanent change of station in 1970 from Boston, Massachusetts, to Bangkok, Thailand, Mr. Brown, his wife and two children were authorized travel and the transportation expenses for the movement of 11,000 pounds of household goods and a privately owned vehicle. On home leave authorization, dated April 25, 1973, Mr. Brown was authorized air freight of 700 pounds at 175 pounds for each of the four persons, as unaccompanied baggage from Bangkok to Boston and return. While on home leave Mr. Brown shipped personal effects from Quincy, Massachusetts, to Bangkok, Thailand, under Government bill of lading No. E-1167513 for which DEA paid \$148.93 to Noble R. Steves, Inc. (Steves), for the transportation of a net weight of 805 pounds from Quincy, Massachusetts, to the airport in East Boston, Massachusetts, and \$1,447.24 to Pan American World Airways, Inc., for the transportation of a gross weight of 970 pounds to Bangkok.

At destination the Government bill of lading covering the unaccompanied baggage was receipted for 970 pounds, supported by a receipt executed by the Administrative Assistant, American Embassy, Bangkok, for 970 pounds. Additionally, by memorandum of September 9, 1974, Mr. Brown was determined to be liable to the United States for the excess weight.

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In a memorandum dated February 28, 1975, to DEA, Mr. Brown disputed the weight, alleging that each of the 19 items included in the shipment together with packing materials and cardboard boxes were weighed by Mr. Brown in the presence of his wife and another person, the wife of the special agent in charge at Vientiane, Laos, and that they weighed 485 pounds. However, there is no evidence of the accuracy of the scale used by Mr. Brown. As support for this weight Mr. Brown attempts to reconstruct the weight from the inventory. But no weights are shown on the inventory and the record does not indicate how the weights used for each item are derived.

On the other hand common carriers of household goods by motor vehicle usually are required by regulation to have the tare and gross weights determined by a certified weigh-master or on a certified scale. See, e.g., 49 C.F.R. § 1056.6 (1972). Contrary to the allegation in a letter of January 21, 1976, from the attorney for Mr. Brown, the original weight certificate, showing a gross weight of 970 pounds, a tare weight of 165 pounds and a derived net weight of 805 pounds, is identified with the shipment by the name "Brown" in the upper left-hand corner and the Government bill of lading number (E-1167513) in the upper right-hand corner. Mr. Brown apparently had been furnished with a duplicate of the weight certificate which did not bear these notations. The gross and net weights are further supported by the receipts executed by the American Embassy in Bangkok.

On the present record the evidence presented by Mr. Brown is insufficient to challenge the official scale weights of the carrier, and based on those weights DEA would not be justified in relieving Mr. Brown of liability for any excess weight.

R. F. Keenan
Deputy Comptroller General
of the United States