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DECISION



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

FILE: B-191172

DATE: May 17, 1978

**MATTER OF: Richard L. Field - Transportation of Household
Goods - Weight Limitation**

DIGEST: Employee received change-of-station orders that entitled him to ship 5,000 pounds of household goods. However, employee shipped 5,250 pounds and claimed reimbursement for excess weight expense on basis he was head of household. Because dependents did not relocate, employee is not entitled to higher weight limit applicable to employees with immediate family. Also, agency refused to apply hardship provision of Federal Travel Regulations to grant increased limits. Employee's claim for excess weight expense is disallowed.

This matter involves a request from Mr. James F. Wagner, authorized certifying officer, U.S. Department of Energy, Washington, D.C., for a decision on a reclaim voucher submitted by Mr. Richard L. Field, an employee of that Department, for reimbursement of expenses he incurred for the shipment of household effects incident to an official change of station.

Mr. Field was issued an authorization dated March 4, 1977, for change of official station from Camarillo, California, to Germantown, Maryland. He reported for duty at the new official station on March 7, 1977, and shipped a total of 5,250 pounds of household goods. The travel authorization only provided authority for the relocation of Mr. Field, individually, and did not provide authority for the relocation of dependents. Paragraph 2-8.2a of the Federal Travel Regulations (FPMR 101-7) (May 1973), as amended, provides for a maximum weight limitation of 5,000 pounds for an employee without dependents, with an exception in certain cases as follows:

"2-8.2. General limitations.

"a. Maximum weight allowance. The maximum weight of household goods which may be transported or stored in connection therewith is limited to 11,000 pounds net weight for employees with immediate

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families and 5,000 pounds net weight for employees without immediate families. However, if in an individual case an employee without immediate family possesses household goods exceeding the 5,000-pound limit, the limit may be extended up to 11,000 pounds net weight, provided that (1) the employee acquired all or a substantial portion of the property because he had been the head of or a member of a larger household (as when the employee's spouse has died) and (2) it is determined under regulations prescribed by the agency head that hardship would result from application of the 5,000-pound limit. Under 2-9.1 and 2-9.2, the above maximum weights are applicable to the total of the weight of goods transported plus the weight of goods stored."

Mr. Field exceeded the weight limitation by 250 pounds and that portion of his claim was disallowed by his Department.

It should be noted that the 5,000-pound weight limitation set forth in the above-quoted regulations was increased to 7,500 pounds effective June 1, 1977, a few months after Mr. Field had completed his change of station and too late to serve to increase his 5,000-pound authorization.

However, Mr. Field contends that he is entitled to an increased weight limitation because he was head of a household and a hardship would result from the 5,000-pound limitation in his case since his reimbursement for miscellaneous expenses was limited to that of a single employee in accordance with our decision B-163076, January 12, 1968.

The above-quoted regulation does not authorize an increased weight allowance merely because an employee is the head of a household. There must also be a finding of hardship caused by the weight limit. See our decisions Matter of Marjorie J. Lowry - Transportation of Household Goods - Weight Limitation, B-189813, February 14, 1978, and B-176809, November 27, 1972.

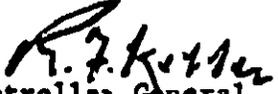
We note that the Department of Energy has refused to apply the hardship provisions of the above-quoted regulations on the following rationale:

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"We do not believe the hardship provisions of FTR 2-8.2.a would apply in Mr. Field's case. Mr. Field transported 780 lbs. of household goods in his automobile, at no additional cost to him and had 4,470 lbs. of household goods shipped by common carrier at an actual cost of \$1,445.17. The reimbursement for the shipment of 5,000 lbs. of household goods based on the commuted rate system was \$1,679.50, and exceeded his actual cost by \$234.33."

The FTR provides that a determination must be made under regulations prescribed by the agency head that a hardship will result if the weight limitation is not increased. The Department of Energy has refused to find that Mr. Field's situation satisfied the criteria required to be a hardship case. A Department's interpretation of its own regulations is entitled to great deference. National Forest Preservation Group v. Volpe, 352 F. Supp. 123 (1972). Upon the basis of the facts stated above, we are unable to determine that the Department erred in its refusal to find a hardship in this case.

Accordingly, we conclude that Mr. Field's reclaim voucher must be disallowed.


Deputy Comptroller General
of the United States