

DECISION



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

FILE: B-215221

DATE: September 5, 1984

MATTER OF: Rayburn C. Robinson, Jr.

DIGEST:

An employee who was transferred in May 1983 shipped 16,700 pounds of household goods by a Government Bill of Lading. He was assessed charges of \$1,568.02 for the weight in excess of the 11,000-pound statutory maximum then in effect. The employee may not be relieved of his liability for the cost of shipping household goods in excess of 11,000 pounds even though he was not given an estimate of the weight of his household goods in advance of shipment.

A transferred employee whose household goods were shipped by Government Bill of Lading was assessed charges for shipping more than the 11,000-pound maximum prescribed by 5 U.S.C. § 5724(a). In response to a specific inquiry whether the employee may be relieved of this liability we conclude that there is no authority for the Government to bear the excess weight charges even though the employee may not have been fully informed of the estimated weight and charges before shipment.^{1/}

Mr. Rayburn C. Robinson, Jr., an employee of the Fish and Wildlife Service, Department of the Interior, was transferred from Washington, D.C., to Kearneysville, West Virginia, in May of 1983. His household goods weighing 16,700 pounds were shipped by Government Bill of Lading and he was assessed \$1,568.02 for shipping the 5,700 pounds by which they exceeded the 11,000-pound limit then in effect.

Mr. Robinson claims that in advance of shipment the carrier made an inventory of his household goods, but did not give him an estimate of their weight. The carrier states that although the information was not furnished in writing, they informed Mr. Robinson verbally that the weight

^{1/} The Assistant Director - Administration of the Fish and Wildlife Service, Department of the Interior, submitted the request for a decision.

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would be excessive. Mr. Robinson states that he was assured by an employee of his agency that shipment of the excess weight would involve only a small additional charge.

Mr. Robinson requests that he be relieved of the requirement to pay the charges attributable to the excess weight. He states that he was not offered an opportunity to move under the commuted rate system and that if he had been given a weight estimate, he would have moved the household goods himself for about \$250 rather than incur the charge of \$1,568.02.

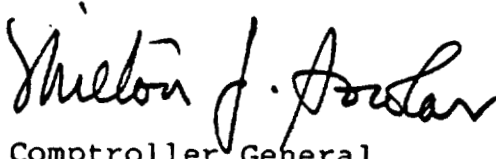
At the time Mr. Robinson moved, transferred employees were authorized to transport up to 11,000 pounds of household goods at Government expense. 5 U.S.C. § 5724(a)(2) (1982). This statutory 11,000-pound limit is restated in the Federal Travel Regulations, paragraph 2-8.2a (Supp. 1, Sept. 28, 1981), incorp. by ref. 41 C.F.R. § 101-7.003 (1983). When shipment is under the actual expense method the employee may ship household goods in excess of the maximum weight limitation under the Government Bill of Lading. However, he is personally responsible for costs arising from shipment of the excess weight. FTR, paragraph 2-8.3b(5). The 11,000-pound weight limitation applicable at the time of Mr. Robinson's transfer is a statutory limit. No Government agency or employee has the authority to permit transportation in excess of the weight limitation at Government expense. Since there is no authority for the Government to incur these expenses, the law requires that the employee pay the charges incurred incident to shipment of the excess weight. George R. Halpin, B-198367, March 26, 1981.

In the present case, agency officials determined in advance that shipment by Government Bill of Lading would cost \$996 less than shipment under the commuted rate system and properly authorized shipment by Government Bill of Lading. FTR paragraph 2-8.4. We have held that an employee's liability to pay for shipment of excess weight is not contingent upon his having received a weight estimate. John W. Murphy, B-186753, September 24, 1976. The Government is without authority to bear these costs even where the weight of the household goods shipped was substantially in excess of the carrier's own estimate. Robert Y. Ikeda, B-181631, October 9, 1974. Therefore, regardless of the reasons for the shipment of household goods, the law does

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not permit the Government to relieve the employee of charges incurred incident to shipment of the excess weight.

Accordingly, Mr. Robinson is liable for the charges of \$1,568.02 attributable to his shipment of household goods weighing 5,700 pounds in excess of the 11,000-pound weight limitation.

for 
Comptroller General
of the United States