

**DECISION**



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

31849  
Broughton-Broette

**FILE:** B-217623/B-217946 **DATE:** July 31, 1985

**MATTER OF:** Major William MacKinley, USA;  
Sergeant Donald Gwyn, USA; and  
Sergeant Charlie Tarpley, USA

**DIGEST:**

Three Army members moved their household goods under the do-it-yourself program and claimed to have obtained and submitted valid weight certificates, which were either never received or were lost after receipt. Incentive payments under the program must be denied. Applicable regulations specifically required submission of weight certificates to establish actual weight of household goods in order to compute the costs upon which incentive payment is based. Record does not establish that required certificates were submitted, nor is there other clear evidence of the actual weight.

The issue is whether the Army can make an incentive payment to a member for a do-it-yourself household goods move when the weight certificates were lost during submission or after receipt of the claim by the Finance and Accounting Officer. We conclude that the incentive payment may not be made; however, other actual expenses incurred which are otherwise allowable may be paid.<sup>1/</sup>

Background

Three Army members, Major William MacKinley, Sergeant Donald Gwyn, and Sergeant Charlie Tarpley, received orders which authorized movement of their household goods. Each chose to move his belongings under the do-it-yourself move program, and was counseled on the move by the local transportation office.

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<sup>1/</sup> The Finance and Accounting Officer, Fort Belvoir, Virginia, requested an advance decision on the issue in the case of Major MacKinley and Sergeant Gwyn. The case has been assigned Control No. 85-2 by the Per Diem, Travel and Transportation Allowance Committee (PDTATAC). Sergeant Tarpley's case was forwarded for an advance decision from the Finance and Accounting Officer, Carlisle Barracks, Pennsylvania, and has been assigned PDTATAC Control No. 85-8.

On July 16, 1984, Major MacKinley weighed his car and an empty rental trailer at a public weigh station in Norfolk, Virginia. Three days later, he reweighed his car and the trailer loaded with his household goods. He remembers that the difference between the two weights was close to 1,900 pounds, and that he obtained weight certificates on both trips. On July 20, he moved his household goods to Woodbridge, Virginia. He states that he mailed his do-it-yourself move paperwork, including both weight certificates, to the Fort Belvoir Finance and Accounting Office on July 23. The office later told him that they never received his claim. The claim form, without the weight certificates, appeared in the travel office in September.

Sergeant Gwyn's do-it-yourself move experience was similar. In mid-July 1984, he weighed his empty van and obtained a weight certificate. He made eight trips to the scales to weigh the van loaded with household goods, and received a weight certificate each time. He estimates that the total weight of his household goods was 6,545 pounds. He claims to have submitted the do-it-yourself move documentation to the Fort Belvoir Finance and Accounting Office, but that office could not find the weight certificates. The office of the Inspector General investigated and discovered that three weigh station employees remembered Sergeant Gwyn weighing his van during the week of July 16.

Sergeant Tarpley's weight certificates apparently were also lost. On December 1, 1984, he weighed an empty 26-foot rental truck at a feed mill in Chambersburg, Pennsylvania. He reweighed the truck after loading it with his household goods. He claims to have obtained weight certificates on both trips and remembers that his household goods weighed 2,080 pounds. Sergeant Tarpley moved his belongings to Murfreesboro, Tennessee, on December 3, 1984. Three days later he mailed his do-it-yourself move paperwork, with both copies of the weight certificates, to the Finance and Accounting Office at Carlisle Barracks, Pennsylvania. On January 24, 1985, that office notified him by letter that his weight certificates were missing. The office contacted the weigh station and found a weigh station employee who remembered Sergeant Tarpley.

The Army Finance and Accounting Officers refused to make the incentive payments without the weight certificates. The service members contend that the Army should make the incentive payments based on the estimated or constructive weight of their household goods because their certificates were lost after submission.

#### Analysis and Conclusion

The do-it-yourself household goods shipment program for members of the Armed Forces is authorized under 37 U.S.C. § 406(k). This provision authorizes payment of a monetary allowance to members of the Armed Forces who moved their household goods by a privately owned or rental vehicle under programs established by the Secretaries concerned. It specifically requires that the amount of the allowance shall provide a savings to the Government when the total cost is compared to what it would have cost to ship the goods by commercial carrier.

The implementing regulations for the program are in Volume 1, Joint Travel Regulations (1 JTR), chapter 8, Part H. The member's incentive pay is set at 80 percent of what it would have cost the Government to move the goods, less the cost actually incurred by the Government. 1 JTR, para. M8400. The cost comparison depends on the weight of the items moved, thus the member must establish the weight of his household goods. We have consistently denied the incentive payment to a service member who fails to submit the weight certificates, regardless of the reason for nonsubmission. See Do-it-yourself Household Goods Move Incentive Payment, 60 Comp. Gen. 145 (1980); Captain Thomas J. Muskus, USA, B-201115, February 27, 1981; Do-it-yourself Household Goods Shipment, B-191016, April 20, 1979. These cases hold that the weight certificates are essential to the settlement of claims of this type because the actual weight of the household goods is the most accurate means for establishing the moving costs. B-191016, supra.

The regulations in effect at the time of the moves did not authorize use of constructive weights to establish the members' entitlements. Instead, they provided in relevant part:

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"The member will establish the net weight of household goods with certified weight certificate(s) from a public weighmaster or Government scales. \* \* \* 1 JTR, para. M8401 (change 351, May 1, 1982).

"In order to receive final settlement, the member will submit certified weight certificate(s) of the household goods moved and final settlement will be made. \* \* \* Id., para. M8402.<sup>2/</sup>

While we do not question the members' statements that they obtained weight certificates, the record does not demonstrate that certificates were in fact submitted as required by the express terms of the applicable regulations. Moreover, there is no available evidence to establish clearly the actual weights involved. =

Thus, while it is unfortunate that the weight certificates were lost, the burden of establishing the actual weight of the household goods must remain with the members. The personal recollections of the individuals involved and estimates of the weights do not meet this burden. Accordingly, the claims for the incentive payments must be denied. The vouchers forwarded with the submissions are returned but may be paid only to reimburse the authorized actual expenses incurred by the claimants.

*for* Milton J. Fowler  
Comptroller General  
of the United States

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<sup>2/</sup> The regulations have recently been changed to allow payment without weight certificates in some circumstances. See 1 JTR, para. M8401 and M8402 (change 385, March 1, 1985). It is not clear whether the new regulations would cover a situation in which the certificates were obtained but then lost. In any event, the present claims must be resolved under the prior version of the regulations.