



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Jefferson W. Howell - Household Goods Excess  
Weight Charges - Excess Beyond Employee's Control  
**File:** B-226851  
**Date:** September 21, 1987

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### DIGEST

Civilian employee whose household goods exceeded his weight allowance in a shipment from the Philippines to the United States seeks reimbursement for excess charges on the ground that a restriction on the sale of personal property in the Philippines at the time of his transfer prevented him from disposing of excess items. The claim is denied since at the time of the employee's transfer there was no authority to relieve him from the costs in excess of those authorized by statute, regardless of the reasons.

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### DECISION

The issue raised by a civilian employee's appeal of the denial of his claim in this case is whether personal liability for excess household goods weight charges may be waived when the circumstances responsible for the excess allegedly were beyond the employee's control.<sup>1/</sup> In the absence of any authority to waive the statutory maximum weight limit, we conclude that the Army Finance and Accounting Center properly collected the excess weight charges even though a depressed market at origin may have prevented the employee from selling excess household goods items at a reasonable price prior to his departure.

### BACKGROUND

In 1978, when the household goods of Jefferson W. Howell were transported from the Philippines to South Carolina, incident to his official change of station, he was entitled to transportation of household goods not in excess of 11,000 pounds net weight. The actual net weight of his household goods was 13,320 pounds; therefore, the Finance Center

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<sup>1/</sup> The matter is on appeal from a settlement of our Claims Group, Z-2839797, July 8, 1986.

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determined that Mr. Howell was indebted to the United States for \$1,328.23, a pro-rated amount of the total transportation costs attributable to the 2,320 pounds of excess weight.

Although Mr. Howell paid the amount, he contends that the circumstances that caused the excess weight to be shipped were beyond his control and for that reason he should be relieved of liability. The circumstances he described are as follows. During the 5 years his family was in the Philippines they acquired several items of household goods described as "convenience items" intended for disposal before departure, but just before receiving his transfer orders the Philippine government restricted the sale of personal property; therefore, he was unable to sell several major items that would have eliminated the excess.

The record of the case indicates that while there was a general restriction on the sale of personal property in the Philippines when Mr. Howell was preparing to transfer, it did not apply to sales between tax exempt military and civilian employees of the United States. Mr. Howell replied that even if this were true the market for used household goods items among United States military and civilian personnel was poor since the United States community was small and incoming personnel were being advised to bring all their household appliances with them. As a result, Mr. Howell explains, he was unable to sell any items at a reasonable price and, therefore, had the excess shipped to South Carolina.

#### DISCUSSION

Mr. Howell does not dispute the determination that the transportation of his household goods involved 2,320 pounds in excess of his statutory weight allowance. His appeal implies that due to the circumstances over which he had no control he should be relieved of liability for the excess charges.

The statutory authority providing the entitlement for the transportation of Mr. Howell's household goods, 5 U.S.C. § 5724 (1976), contained a maximum of 11,000 pounds net weight. 5 U.S.C. § 5724(a)(2). There was no authority to

authorize shipment of additional weight or to waive excess weight charges in unusual circumstances. Therefore, although the circumstances existing at the time Mr. Howell was about to transfer from the Philippines may have contributed to his exceeding the weight allowance, there is no legal authority upon which to relieve him of his liability for the excess weight charges. See Dale C. Williams, B-214596, August 29, 1984; see also Fredric Newman, B-195256, November 15, 1979.

Accordingly, the denial of Mr. Howell's claim is sustained.

*for* *Harry R. Van Cleave*  
Comptroller General  
of the United States