



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Foremost Forwarders, Inc.--Claim for Refund of Amount Collected by Setoff for Damage to Unaccompanied Baggage

File: B-257858

Date: March 7, 1995

DIGEST

Liability for damage to unaccompanied baggage is based on the gross weight of the large shipping containers in which it is packed unless the shipment is packed in cartons inside the shipping containers and accompanied by a complete household goods descriptive inventory.

DECISION

This is in response to an appeal of a Claims Group settlement which denied the claim of Foremost Forwarders, Inc., for refund of \$98.50 collected by setoff for damage to unaccompanied baggage. We affirm the Claims Group's denial of the claim.

On April 18, 1990, Foremost picked up a Code J shipment of unaccompanied baggage belonging to Army Chief Warrant Officer (CWO) Michael C. Storm in Germany and delivered it to him at Fort Lewis, Washington, on May 31, 1990. The baggage was packed in eight large containers. Due to damage to the shipment, the Army collected \$290 from Foremost by setoff. The Army calculated Foremost's liability at the rate of \$.60 per pound times the weight of each large container in which damaged articles were packed. Foremost argues that the Army should have calculated the damage based on the net weight of each inventory line item which was damaged. In support of its argument Foremost cites our decision Dewitt Freight Forwarding, 63 Comp. Gen. 254 (1984).

The Army settles loss and damage claims in accordance with Army Pamphlet (AP) 27-162, Dec. 15, 1989. Under paragraph 3-11 of the pamphlet, a carrier's liability for damage to unaccompanied baggage is to be based on the gross weight of the external shipping container in which the items are packed unless the shipment is packed in cartons with a proper and complete household goods descriptive inventory.¹ If the entire inventory is properly prepared to note the size

¹For a discussion of a proper descriptive household goods inventory, see Department of Defense Instruction 4500.34-R, app. A, para. 54.

and contents of each internal carton packed in each large shipping container, the carrier's liability for damage may be based on the net weight of each line item of the inventory which sustained damage.² However, if only part of the inventory is a proper household goods descriptive inventory, liability for the entire shipment is to be based on the gross weight of the external shipping container.

In our decision 63 Comp. Gen. 254 the same methods of calculating liability based on either gross or net weight are set forth. The decision states that the provision which allows the use of net weights from the Table of Weights for unaccompanied baggage is based on a 1983 agreement between industry and military representatives. The net weight method is available, however, only if the shipment has been packed in cartons with a proper and complete household goods descriptive inventory.

In the present situation the record contains a copy of the inventory of CWO Storm's unaccompanied baggage. While the contents of most of the large containers are itemized with volume notations to make it appear that the items listed were packed in internal cartons which were then packed in the large shipping containers, the Army states that at least some of the items listed were packed directly in the large shipping containers. The Army calls our attention to the fact that some of the items packed by the carrier are listed at small volumes such as 1 or 2 cubic feet despite the fact that carriers do not use packing boxes in those sizes. Furthermore, the inventory lists shipping container number 6 as 16 cubic feet of clothing packed directly in the shipping container. Therefore, the Army's computation of Foremost's liability based on the gross weights of the large shipping containers was proper. See AP 27-162, para. 3-11; and 63 Comp. Gen. 254.

Accordingly, Foremost's claim is denied, and the Claims Group's settlement is affirmed.

\s\ Seymour Efros
for Robert P. Murphy
General Counsel

²In that case the weights utilized are those found in the Joint Military-Industry Table of Weights. See AP 27-162, app. G.