

**DECISION**



13049 <sup>Phm - 11</sup>  
Mr. Easterwood  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-195606

DATE: March 5, 1980

MATTER OF: Captain Bill Johnson, USAF

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- DIGEST: 1. A military member who shipped household goods in excess of his administrative weight allowance seeks reimbursement for the excess weight charge on the ground that he was not given the opportunity to remove the excess weight before shipment. The claim is denied because there is no authority for the Government to pay a member's transportation costs in excess of those authorized.
2. A military member who is authorized to ship professional books, papers, and equipment along with household goods may receive credit for the weight of such items. The administrative determination of the weight of professional materials, based on the shipper's inventory, will be accepted where the member, who claims allowance for additional weight, has presented no clear evidence showing it to be incorrect.

Air Force Captain Bill Johnson appeals from a determination of our Claims Division dated May 2, 1979, which denied his claim for reimbursement of the excess weight charges incurred in the transportation of his household goods from Germany to the United States in 1976. Captain Johnson contends that he should not have to pay the full amount of the excess weight charge because he was not given an opportunity to remove the excess weight and because he was not given sufficient credit for professional books, papers, and equipment.

Captain Johnson reports that, at a pre-move briefing by the Air Force, he received the following information concerning his options if he exceeded his administrative weight allowance:

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"As the shipment is weighed, the carrier reports the weights to the TMO [Transportation Management Officer] who, in turn, (if the shipment is overweight) will immediately notify the individual and allow him the following options:

a. The individual may allow the shipment to continue and pay for the excess costs at the destination.

b. The individual may go the carrier, open the shipment and remove items to bring the weight within allowable limits, provided he pays for the labor involved and he has a Customs official there to monitor the contents of the shipment."

The Air Force confirms this report, but adds that Captain Johnson was also told that if he removed overweight articles, he would have to pay the costs of packing the overweight goods initially and of repacking the shipment. The Air Force also points out that both the carrier and Captain Johnson originally estimated his shipment to be overweight.

The goods were packed and picked up on November 15, 1976. On November 18, the Transportation Management Officer called Captain Johnson and informed him that his shipment was overweight. Captain Johnson contends that when he contacted the shipping company to arrange to remove his excess goods, he was told that his shipment had been loaded directly on the train after weighing and that the train had already departed. The Air Force, on the other hand, states that the shipment remained in the control of the shipping agent until November 22, and thus Captain Johnson had ample time to remove excess weight.

We do not find it necessary to resolve this factual dispute, since even if Captain Johnson's account is

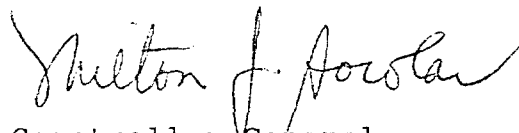
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correct, there is still no authority for the Government to pay transportation costs in excess of those authorized. For instance, we have held that a military member who exceeded his weight allowance remained liable for the excess cost despite the fact that he was misinformed about the applicable weight allowance by Air Force agents. B-180184, August 21, 1974. In the case of a civilian Government employee, we have specifically held that the employee was responsible for excess weight charges even though she was not informed of the overweight until it was too late to remove any goods. B-182648, December 8, 1975.

Captain Johnson also argues that his transportation costs were in error because he was not given sufficient credit for professional books, papers, and equipment. When the transportation charges were computed originally, Captain Johnson was credited with 822 pounds of professional books, papers, and equipment. However, examination of the shipper's inventory revealed that the shipment contained only 552 pounds of such items, and the transportation charges were increased to reflect this fact. Captain Johnson protests this revision.

It seems likely that the 822 pound figure was simply a typographical error. In any case, Captain Johnson offers no documentation to support this figure. In the absence of any contrary evidence, we must accept the administrative determination which, in this case, is based on the weight listed on the shipper's inventory. B-160670, February 16, 1967; B-162530, December 28, 1962.

Accordingly, the disallowance of Captain Johnson's claim is sustained.



For The Comptroller General  
of the United States