

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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PLMI

Request for Reimbursement of Excess Weight Cost Incurred in

FILE: B-197008

DATE: February 20, 1980

MATTER OF: Robert W. Dolch - Transportation of Household
Goods - Excess Weight

DIGEST: Employee may not be relieved of liability for cost of shipping household goods in excess of statutory amount of 11,000 pounds. Question whether and to what extent authorized weights have been exceeded is question of fact for administrative determination and will not be questioned in absence of evidence showing it to be clearly in error. Record contains two official weight certificates and indicates no error in their preparation. This Office operates on basis of written record and burden of proof is on claimant to establish liability of United States and claimants' right to payment.

Mr. Robert W. Dolch, a civilian employee of the Department - 35 of the Air Force, requests reconsideration of his claim for \$415.66. The claim was for reimbursement of the excess cost he incurred incident to a permanent change of station in 1976. Mr. Dolch's claim was denied by our Claims Division in its settlement of September 17, 1979.

The record shows that Mr. Dolch's household goods were shipped from Travis Air Force Base, California, to Kelly Air Force Base, Texas, under Government Bill of Lading (GBL) No. M-0,479,735. A net weight of 12,660 pounds was shown on the GBL and the carrier billed and was paid by the Government on that basis. Mr. Dolch was assessed for the transportation and storage costs applicable to the weight in excess of his statutory weight allowance of 11,000 pounds. See 5 U.S.C. § 5724(a) (1976); Federal Travel Regulations (FPMR 101-7) para. 2-8.2a (May 1973).

Mr. Dolch does not dispute the 11,000-pound statutory limitation, but states that the record indicates that he did not have 11,000 pounds of household goods. We disagree.

Mr. Dolch's household goods were originally weighed on August 5, 1976, and the official weight certificate shows the following:

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Gross	32,800
Tare	<u>20,140</u>
Net	12,660

The shipment was re-weighed on August 13, 1976, and the weight certificates show:

Gross	38,360
Tare	<u>25,660</u>
Net	12,700

The carrier billed and was paid for its charges on the basis of the lowest net weight of 12,660 pounds. This practice is in accordance with Interstate Commerce Commission Regulations. See 49 C.F.R. § 1056.6(d) (1976). The GBL contains an obvious typographical error since it shows the weight to be as follows:

Gross	32,800
Tare	<u>21,040</u>
Net	12,660

The gross weight less the tare weight shown on the GBL gives a balance of 11,760 pounds. However, the discrepancy can be explained by reference to the August 5 weight certificate which shows the tare as 20,140 pounds instead of the 21,040 shown on the GBL. It thus appears that "01" was transposed as "10."

The question of whether and to what extent authorized weights have been exceeded in the shipment of household effects is a question of fact considered to be a matter primarily for administrative determination and ordinarily will not be questioned in the absence of evidence showing it to be clearly in error. Fredric Newman, B-195256, November 15, 1979. The record contains two official weight certificates, and there is no indication of error in their preparation. Further, there is only 40 pounds difference between the net weight on the original weigh and the later re-weigh.

Mr. Dolch says that the written record is in error; however, outside of the typographical error explained above, we can find no such indication. This Office operates on the basis of the

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written record and the burden of proof is on the claimant to establish the liability of the United States, and his right to payment. 4 C.F.R. § 31.7 (1979). Mr. Dolch has not met this burden.

Accordingly, the Claims Division settlement of September 17, 1979, is sustained.

A handwritten signature in dark ink, appearing to read "R. F. Keller". The signature is fluid and cursive, with the first name "R" being particularly large and stylized.

Deputy Comptroller General
of the United States