

DECISION



19105 Golden PLF
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-203045

DATE: August 11, 1981

MATTER OF: American Farm Lines, Inc.

DIGEST:

Request by carrier for review of GSA's settlement disallowing supplemental claim for transportation charges received in GAO later than 6 months from date of final dispositive action by GSA or 3 years from date of payment of initial charges for transportation is timebarred.

American Farm Lines, Inc. (AFL), in its letter of May 15, 1981 (received in the General Accounting Office (GAO) on May 26, 1981), requests review by the Comptroller General of final settlement action taken by the General Services Administration (GSA) on Government bill of lading (GBL) No. M-3107491.

AFL was originally paid for transportation services under this GBL on March 30, 1978. AFL filed a supplemental claim for additional transportation charges based on the theory that exclusive use of vehicle service was requested by the Government. GSA denied AFL's claim because AFL failed to substantiate its entitlement to the higher exclusive use charges.

In our opinion, the request cannot be considered by our Office because it was filed beyond the time limitations on our review set forth in 31 U.S.C. § 244 (Supp. III, 1979) and 4 C.F.R. § 53 (1981).

A carrier's request for review by the Comptroller General of a GSA transportation audit action is forever barred from consideration (with limited exceptions not applicable here) unless received by the GAO within 6 months from the date the action was taken or within the periods of limitation specified in 31 U.S.C. § 244(a) (Supp. III, 1979), whichever is later.

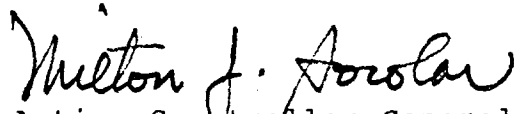
The periods of limitation referred to in 31 U.S.C. § 244(a), supra, are within 3 years of the date of:

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(1) accrual of the cause of action, (2) payment of the transportation charges, (3) subsequent refund for overpayment, and (4) deduction.

Here, the 3-year filing period began on March 30, 1978, the date on which the Government paid the original transportation charges. The 6-month filing period began September 11, 1980, the date on which GSA issued the settlement certificate disallowing AFL's claim for additional transportation charges; that action had dispositive effect on AFL's claim. Accordingly, the latest date for timely filing under the statute was March 31, 1981. AFL's request was not filed in our Office until May 26, 1981. Therefore, we are barred by the provisions of the statute from considering AFL's request. Trans Country Van Lines, Inc., 57 Comp. Gen. 157 (1977); Trans Country Van Lines, Inc., B-189493, October 16, 1978; A.B. James Freight Lines, B-192538, September 11, 1978.


Acting Comptroller General
of the United States