



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-228785.3

June 5, 1990

The Honorable Curt Weldon
Member, United States
House of Representatives
1554 Garrett Road
Upper Darby, PA 19082

Dear Mr. Weldon:

You have requested that we review a letter of February 2, 1990, sent to you by Mr. [redacted] and provide you with a written response. Mr. [redacted] contends that the General Services Administration (GSA) improperly is subtracting \$61,000 in overcharges from the bills of A-Line, Ltd., of which he is president, and complains about a January 29, 1988, decision by our Office affirming a GSA determination to recover overcharges from A-Line. For the reasons given below, we do not think Mr. [redacted]'s letter provides any basis for relief.

Mr. [redacted] has twice asked the Comptroller General to review transportation audit action taken by GSA on A-Line's bills for transporting shipments from GSA supply centers to various government installations. Under section 101-41.701 of title 41 of the Code of Federal Regulations, a claimant may request the Comptroller General to review various GSA transportation settlement actions including deductions to adjust transportation overcharges.

In the January 1988 decision, B-228785, and in a decision of September 15, 1989, B-232072, we affirmed GSA's denial of A-Line's attempt to collect an extra \$25 charge for telephone calls A-Line determined were necessary to identify precise delivery points and to obtain delivery appointments. In the first case, we found that A-Line was not entitled to additional charges absent a specific tariff or tender provision for the charges which was not present in that case. We also pointed out that A-Line had the responsibility as the carrier to insure that government bills of lading received at origin included all necessary information, and that even if GSA officials had approved the \$25 charge in some cases, no government officer or employee has authority to waive the government's contractual rights. In the second case, although A-Line's tariffs and tenders provided for a \$25 charge, we found that it did not show clearly that on each shipment it

not only furnished the extra service of calling the consignee, but that it was requested or required to do so.

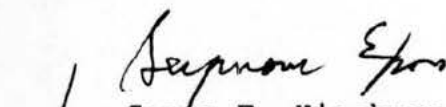
Mr. _____ maintains that beginning February 1, 1990, GSA has subtracted \$61,000 in overcharges from A-Line bills that he believes are additional to those discussed in the cited decisions. Mr. _____ complains that GSA never gave him any notice of the reasons for its actions in that regard, thereby precluding his company from challenging the agency's position.

In response to a similar complaint by Mr. _____, GSA advised him that the \$61,000 in overcharges constituted the indebtedness of A-Line to the government for prior overcharges. GSA also suggested that as A-Line's address was on GSA's computer mailing list, the company should have received overcharge notices. To remedy any additional problems, GSA stated that in the future all of A-Line's bills would be preaudited to avoid overcharge billings, Mr. _____'s name would be added to various GSA address files, and copies of overcharge notices that he said he had not received would be sent to him. We know of nothing to suggest that the \$61,000 in overcharges do not involve the overcharges and issues that we already addressed in our January 1988 and September 1989 decisions. In any event, GSA has taken steps to assure that Mr. _____ is aware of these and all future overcharge claims.

In his letter, Mr. _____ also requests that our Office reconsider our January 1988 decision. We have carefully considered his concerns and find no basis for overturning our earlier decisions, in which we affirmed GSA's decision to recover overcharges from A-Line.

For your interest, we enclose copies of our two earlier decisions, as well as GSA's letter in this matter.

Sincerely yours,


James F. Hinchman
General Counsel

Enclosures