



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Kurt L. Carlsen - Household Goods - Excess Weight
File: B-230869
Date: June 29, 1989

DIGEST

Married enlisted members sharing the same residence in Belgium were each entitled to a household goods transportation allowance of 7,000 pounds for their return to the United States to be discharged from the Army. Although the husband initially intended a combined allowance of 14,000 pounds, the wife, who was in the hospital with serious injuries, did not have the opportunity to authorize use of her allowance for pickup of the household goods. The Army, therefore, allocated all 8,592 pounds of the pickup to the husband's 7,000-pound allowance, resulting in his purported indebtedness for excess weight. But after their discharge, they shared a residence in the United States when the household goods were delivered, and neither of them sought to have the Army reship the household goods because of misdelivery. Consequently, by acceptance of the delivery they demonstrated that they intended the shipment to be made under a combined allowance of 14,000 pounds, and there is no indebtedness to the government for excess weight.

DECISION

In this action, the United States Army initiated a debt claim of \$1,496.04, plus interest, against Kurt L. Carlsen for 1,592 pounds excess weight of household goods shipped in March 1979. By letter of January 21, 1988, our Claims Group determined that this amount is owed, and Mr. Carlsen has appealed. On the basis of newly submitted evidence, we conclude that because there was no excess weight, there is no debt and collection from Mr. Carlsen should be terminated.

BACKGROUND

Kurt Carlsen and his wife, Sandra Carlsen, as United States Army enlisted members sharing an off-base residence in

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Belgium, were each entitled to ship at government expense a maximum of 7,000 pounds of household goods upon their return to the United States to be discharged from the Army. Rather than allocating the 8,592 pounds shipped to a combined weight allowance of 14,000 pounds to avoid excess weight, the local military transportation office in Belgium treated the entire 8,592 pounds solely as Kurt Carlsen's shipment, thereby exceeding his allowance by 1,592 pounds and creating his purported indebtedness to the government.

Kurt Carlsen states that he never authorized the entire 8,592 pounds to be allocated to his weight allowance. In fact, he says that after receipt of his travel orders on February 27, 1979, the local transportation office informed him that the entire shipment would be allocated to a combined allowance of 14,000 pounds, covering both his and Sandra Carlsen's separate entitlements of 7,000 pounds each. Evidently the local transportation office allocated the amount shipped solely to his weight allowance because during the period the office arranged for the transportation, Sandra Carlsen was in the hospital with serious injuries suffered in an automobile accident. Her travel orders were not formally issued until March 9, 1979, after the mover picked up the items at the residence on March 8, 1979. According to Kurt Carlsen, the local transportation office was aware of Sandra Carlsen's situation, but it did not believe the amount shipped would exceed his weight allowance, and it did not recognize that Sandra Carlsen's allocation would be needed to avoid the excess weight.

DISCUSSION

Transportation of a military member's personal property is an entitlement personal to the member, who has the right to authorize and designate the household goods to be shipped under his or her travel orders. See Shipment and Storage of Household Goods for Divorced Service Members, 61 Comp. Gen. 180 (1981), holding that it is for the member to determine whether or not to ship household goods to a former spouse. In the absence of statute or regulation to the contrary, the same independent right of transportation applies to husband and wife who are military members.

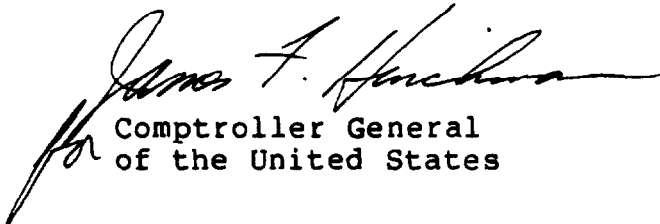
Consistent with a married member's independent right to authorize shipment of household goods, the Army observed in a letter of June 11, 1987, pursuant to a congressional inquiry that if Sandra Carlsen was unable to arrange for her shipment because she was hospitalized, "the transportation officer should have acted in her behalf to assure that no commingling of the household goods occurred." Further, the Army in its administrative report of September 25, 1987, to

our Claims Group stated that although Kurt and Sandra Carlsen were married at the time of the shipment, they later divorced at a date unknown to the Army. The administrative report concluded that it had not been established that Sandra Carlsen's household goods created the excess weight.

Now, however, Kurt Carlsen has submitted evidence showing that Sandra Carlsen and he resided together at the time of the delivery and for a considerable period thereafter. Additionally, he has provided evidence that they were not divorced until 1983. We have no evidence of them departing from the usual practice of a combined weight allowance for married members sharing the same residence before and after relocation. See Joint Travel Regulations (JTR), vol. 1, para. M8003-3 (Change No. 309, Nov. 1, 1978). Our records contain no information indicating that the delivery was contrary to their intent. We conclude that both Kurt and Sandra Carlsen accepted the delivery of the commingled shipment under a combined weight allowance which was first authorized by Kurt Carlsen in Belgium and then ratified by Sandra and him upon its delivery in the United States. The 8,592 pounds shipped was 5,408 pounds less than their combined maximum allowance of 14,000 pounds.

The record is silent as to whether Sandra Carlsen shipped household goods or unaccompanied baggage in addition to the 8,592 pounds picked up by the movers from the residence in Belgium on March 8, 1979. However, we have no reason to believe that she shipped in excess of 5,408 pounds so as to exceed the maximum combined weight allowance of 14,000 pounds.

Accordingly, we conclude that the shipment of household goods did not exceed the combined weight limits and that Kurt Carlson is not indebted for shipping household goods in excess of his weight limitation.


for Comptroller General
of the United States