

R. Walsh



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** Colonel Rodney M. Attack, USA

**File:** B-239661

**Date:** June 4, 1990

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### DIGEST

A service member is responsible for excess weight expenses incurred in a government-paid household goods move where he has not established that the service's excess-weight determination, which was based on certified weight tickets showing a substantial difference between the actual weight and the member's allowable weight, was wrong.

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### DECISION

Army Colonel Rodney Attack appeals our Claims Group's denial of reimbursement for excess weight costs (\$1,321.34) assessed against him by the Army resulting from the movement of his household goods pursuant to a permanent change of station. We affirm that denial.

Colonel Attack was authorized a household goods allowance of 13,000 pounds incident to the move. This allowance was exceeded by over 3,000 pounds as evidenced by the carrier's certified weight tickets. Colonel Attack, however, claims that goods other than his must have been included in the shipment, asserting that he shipped substantially the same goods in connection with a move 3 years earlier and that shipment weighed approximately 13,000 pounds. Colonel Attack also offers in support of his claim a statement by a fellow member who accompanied him when the shipment was unloaded at his home that there were building materials aboard the van that did not belong to the Colonel.

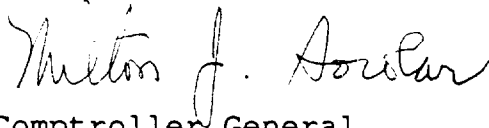
Section 406 of title 37, United States Code, provides for the shipment of a member's household goods at government expense incident to a permanent change of station, under such conditions as are prescribed in the implementing regulations. Volume 1 of the Joint Federal Travel Regulations, para. U5012, provides that such goods may be transported at government expense under prescribed weight limitations, with any excess weight moved at the member's expense.

We have said on numerous occasions that the determination of whether and to what extent authorized weights have been

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exceeded is primarily for the service agency involved, and will not be questioned unless clear error is shown. See, e.g., Major General William C. Burrows, USAF (Retired), B-198264, May 6, 1980. Here, the original weight of the shipment was 19,720 pounds, and it was reweighed at destination as 20,850 pounds; Colonel Attack's indebtedness was based on the lower weight. In these circumstances, we cannot regard the statement of the claimant's associate as clearly showing that Colonel Attack is being held responsible for the weight of items that did not belong to him, or that the Army's excess-weight determination otherwise was wrong. Colonel Attack says that the only real difference between this move and the previous one was that this move included a piano and pool table, but did not include most of his tools and several shop items. We have held, however, that evidence of the weight of household goods involved in a previous move is not sufficient to show that the weight determination in a subsequent move is incorrect. Colonel Le Roy L. Ohrt, USAF, Retired, B-194733, Mar. 10, 1980; Lieutenant Colonel Cora L. Burton, USA, Retired, B-190541, Nov. 28, 1977.

Accordingly, the record provides no basis to question the assessment against Colonel Attack. The Claims Group's decision therefore is affirmed.



~~Acting~~ Comptroller General  
of the United States