



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

Office of the General Counsel

B-261314

November 30, 1995

Bobby L. Cates
Resource Protection
P.O. Box 3417
Tampa, FL 33601-3417

Dear Mr. Cates:

This is in response to your appeal of Settlement Z-2866671.34, dated May 5, 1995, by our Claims Group involving the damage to the household goods of Patrick Whaley that were shipped by Carlyle Van Lines, Inc., under government bill of lading No. UP-722-623.

The appeal is based on your contention that the bedroom suite used to replace the member's furniture damaged in shipment was of a much better quality than the damaged items. You contend that the repair estimate submitted by the member describes the damaged items as particle board furniture covered with a photo finish while the replacement furniture was made of hardwoods and particle boards with an oak finish, engraved end panels, veneer tops and brass plated hardware—a much more expensive type of furniture.

Our Office will not question an agency's calculation of the value of damages to items or the replacement costs in a shipment of household goods without clear and convincing evidence from the carrier that the agency acted unreasonably. See, e.g., American Van Services, Inc., B-260394, Aug. 15, 1995. Such evidence is lacking in this case. A review of the file shows that the member submitted two photographs of the damaged bedroom furniture and the pages from the catalog showing the replacement furniture. The photographs show the damaged furniture to be almost identical to the replacement items, which also contained veneers and particle board. Moreover, the claim form submitted by the member shows the cost of the bedroom suite to be \$1,300 in 1982 and the replacement cost was \$1,460 prior to depreciation. This lends additional credence to the fact that the replacement was of the same quality as the damaged items.

Therefore, we find the amount assessed against Carlyle to have been reasonable and affirm the Claims Group's settlement.

Sincerely yours,

/s/Seymour Efros
for Robert P. Murphy
General Counsel

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DIGEST

Carrier who argues that replacement furniture is of a higher quality than the furniture damaged by the carrier in a shipment of household goods fails to establish clear evidence that agency assessment of damages is unreasonable where photographs of damaged furniture show that it is of the same quality and type as the furniture purchased as a replacement.