

DECISION



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

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FILE: B-215448

DATE: December 4, 1984

MATTER OF: Master Sergeant Kenneth M. Haase, USAF

DIGEST: To support a claim for a do-it-yourself household goods move incentive payment, an Air Force member presented two household goods weight certificates showing combined weight exceeding his maximum weight allowance of 8,500 pounds. One ticket for 6,700 pounds reflected weight in a truck rented by the Government, and may be allowed. The other, for 4,730 pounds, reflected combined weight in a station wagon and towed trailer. Since regulations do not permit do-it-yourself reimbursement based on transportation of household goods in a station wagon, that weight could not be considered; nor could the weight in the trailer be considered since there was no certificate showing its weight separately.

This is a review of action taken by our Claims Group, which denied a claim presented by Master Sergeant Kenneth M. Haase, USAF, for an incentive payment under the Air Force do-it-yourself household goods moving program.^{1/} We reverse part and sustain part of the disallowance.

Facts

While stationed at Whiteman Air Force Base, Missouri, Sergeant Haase was reassigned to Offutt Air Force Base, Nebraska, effective in August 1982. During a briefing by the transportation management officer on the do-it-yourself method of moving household goods, Sergeant Haase's spouse was advised that the Government would contract for his use of a 24-foot rental truck, and that he also would be authorized to load and use a personally owned trailer made from a pick-up truck bed. The transportation management officer also advised that

^{1/} This action is taken upon Sergeant Haase's appeal of the disallowance of his claim.

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payment based on transportation of property in a station wagon, passenger van, or similar vehicle was not authorized under the program.

Sergeant Haase states that he made nine trips and moved an estimated 18,000 pounds. He indicates that he obtained several weight tickets, but he presented only two in support of his claim, numbers 01331 and 01337, because their combined actual net weight (6,700 and 4,730 pounds, respectively) exceeded his maximum weight allowance of 8,500 pounds. Ticket number 01331, for 6,700 pounds, covered the weight of goods transported in the rental truck.

An investigation of his claim discovered that weight ticket 01337 contained a mathematical error. It indicated a net weight of 5,730 pounds, while the net was actually 1,000 pounds less, or 4,730 pounds. The investigation also disclosed that Sergeant Haase towed his privately owned trailer with a loaded station wagon and that weight ticket 01337 reflected the combined weight of both vehicles. Although the investigation found no criminal intent, the certifying officer disallowed the claim because Sergeant Haase used a vehicle that was not authorized by regulation (the station wagon), and the weight ticket contained an irregularity. The Claims Group disallowed the entire claim on similar grounds.

Discussion

The do-it-yourself program authorizes the payment of a monetary allowance to members who move their household goods by privately owned or rental vehicles.^{2/} There are detailed regulations implementing the program. The incentive payment amount is determined by computing the constructive cost to the Government of

^{2/} The statutory authority for the do-it-yourself program at the time of Sergeant Haase's move was Pub. Law 94-212, § 747, 90 Stat. 176. That authority was subsequently repealed and reenacted as 37 U.S.C. § 406(k) by Pub. Law 97-295, §§ 3(4) and 6(b), 96 Stat. 1303, 1314.

transporting the shipment by commercial carrier, then deducting the actual cost to the Government for rental equipment from 80 percent of the constructive cost. Joint Travel Regulations, Vol. 1, para. M8402. To receive an incentive payment, weight of the household goods must be established by use of valid weight certificates. 1 JTR para. M8401, and Air Force Regulation 75-33, para. 3-2. B-191016, April 20, 1979. Thus, constructive weight cannot be used. See 60 Comp. Gen. 145 (1980). Further, there is an express prohibition in the regulations against the use of station wagons and other passenger vehicles, if transportation of those goods is intended to be included under the do-it-yourself program. AFR 75-33, para 2-8(b).

The theory for disallowance is that since reimbursement on the basis of transportation of household goods in a station wagon was not authorized, the weight actually transported therein was not to be included. Without weight certificates establishing that Sergeant Haase's maximum weight allowance was transported, the estimated incentive payment based on the 8,500-pound allowance could not be made under the do-it-yourself program.

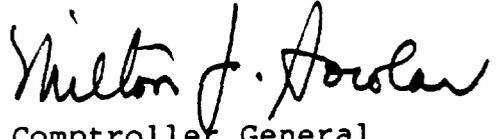
Although we agree that payment of the estimated incentive allowance, originally based on 8,500 pounds, may not be made on the basis of constructive weight, that is, weight computed without valid weight certificates, payment can be made for weight that is established by certified weight tickets, in the absence of fraud.

Here, the claimant clearly failed to comply with the regulations in that his claim for an incentive payment was based partly on the weight of goods transported in his station wagon. It was proper for the agency to refuse to consider the weight of those household goods. Further, in the absence of a weight certificate establishing the separate net weight of the goods in the trailer, there was no basis to determine the weight transported in the trailer. Thus, weight ticket number 01337 was of no value since it reflected only the combined weight of the station wagon and trailer. Sergeant Haase, however, did present a valid certificate

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(ticket 01331) showing a net weight of 6,700 pounds in the rental truck, and payment of a partial incentive amount based on that certificate would not adversely affect the integrity of the program.

Accordingly, Sergeant Haase's incentive allowance should be computed based on 6,700 pounds, and payment should be made to him for the amount found due on that basis.

for 
Comptroller General
of the United States