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DECISION



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

FILE: 8-1S9575

DATE: NOV 4 1977

MATTER OF: Lieutenant Colonel Robert A. Schlapper, USAF
Retired

- DIGEST: 1. The question whether and to what extent authorized weights have been exceeded in the shipment of household effects by members of the uniformed services is considered to be a matter primarily for administrative determination and ordinarily will not be questioned in the absence of evidence showing it to be clearly in error.
2. Evidence of the weight of household effects shipped in a previous permanent change of station (PCS) move is not relative nor supportive in determining the weight of household effects shipped in a subsequent PCS move.

This action is in response to a letter dated May 31, 1977, from Lieutenant Colonel Robert A. Schlapper, USAF, Retired, which in effect constitutes an appeal from a settlement of the Claims Division of this Office dated April 12, 1977. That settlement upheld a determination by the Air Force that the member is indebted to the United States in the amount of \$1,053.79 resulting from transportation costs associated with shipment of member's household effects incident to a permanent change of station (PCS).

In June 1974 the member was transferred from Andrews Air Force Base (AFB), Maryland, to Edwards AFB, California, and incident to this move the member's household effects were shipped to his new duty station by commercial carrier under a Government Bill of Lading. The weight of member's household effects was certified to be 2,551 lbs. in excess of the amount allowed by regulations for members of the Air Force of his rank. As a result, the member was charged \$1,052.79 for the cost of shipping the excess weight. A dispute has arisen concerning the computation upon which this excess weight was determined. The member contends

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that the excess weight is attributable to the heavy wooden crates which at the time of shipment of his household effects were used by the Air Force on an experimental basis to prevent damage in the shipment of the member's household effects.

The administrative report from the Air Force verifies that the member's household effects were shipped under an experimental program referred to as Code 2, door-to-door containerized transport plan. The administrative report indicates that the Code 2 shipments differ from Code 1 shipments (the usual mode) in that Code 2 shipments involved additional packing in wooden crates. However, it is reported that on Code 1 the weight of the truck transporting the household goods is the tare weight whereas on Code 2 the weight of the wooden crates is also included in the tare weight. Using either method the Air Force asserts that the member pays only for moving the weight of the contents, not the containers and packing materials used in the move.

With respect to the total weight of member's household effects, the member asserts that the wooden crates must have been included in the total weight of his effects, because in a prior move, in 1972, his effects weighed 2,000 lbs. less than the 1974 move. In the prior move, the shipment was made by a Code 1 method without the heavy wooden crates.

The member appealed the Air Force's determination to the Claims Division of this Office. In the settlement dated April 12, 1977, the Claims Division determined that the charges made by the Air Force for shipment of excess weight of household effects were correct under the prevailing regulations.

Section 406 of title 37, United States Code, provides for the transportation of household effects of members of the uniformed services to and from such places and within such weight allowances as may be prescribed by the Secretaries concerned. Implementing regulations are contained in chapter 8, Volume 1 of the Joint Travel Regulations (1 JTR). Paragraph M8003-1, 1 JTR, in effect at the time the member transported his effects (change 256, June 1, 1974) provides that a member with the rank of lieutenant colonel, may ship 13,000 lbs. of household effects at Government expense. Additionally, the prescribed allowance

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for interior packing materials as authorized by paragraph M8002-1, 1 JTR (change 256, supra) is 10 percent of the gross weight of such shipment. Paragraph M8007-2, 1 JTR (change 256, supra) provides that weight which exceeds the amount prescribed by paragraph M8003-1 will be transported at the member's expense.

The record indicates that the member's household effects were weighed twice, once at the point of origin and again at destination. The net weight at origin was 256 lbs. more than the weight at destination, and the lower of the two weights, the weight at destination, was used in computing the weight of the household effects for which the member was charged. The net weight after deducting the tare weight from the gross weight, was computed to be 17,260 lbs. This amount was reduced by 10 percent for the allowance for interior packing as provided by paragraph M8002-1, 1 JTR, and further reduced 264 lbs. for professional books, papers and equipment (PBP&E) pursuant to paragraph M8004, 1 JTR (change 256, supra). This resulted in a net weight of 15,296 lbs., 2,296 lbs. in excess of the 13,000 lbs. allowance. A charge of 255 lbs. was added for packing applicable to the excess weight for a total charge of 2,551 lbs. for excess weight.

The question of whether and to what extent authorized weights have been exceeded in the shipment of household effects, is considered to be a matter primarily for administrative determination and ordinarily will not be questioned in the absence of evidence showing it to be clearly in error. See B-171877.03, December 15, 1976; B-158287, February 17, 1966; and B-180184, August 21, 1974.

The administrative report filed by the Air Force verifies that the extra experimental packing crates were used but clearly asserts that the material used did not affect the weight of the member's household effects. The bill of lading, tare tickets, and weight certificates indicate that the weight of the crates was not included in the net weight of the member's effects.

In the absence of some evidence from an official source that the Air Force computations were in error, unsupported evidence questioning the accuracy of such computation may not be accepted as a proper basis for allowing the member's claim. Evidence of the weight of household effects shipped in a previous PCS move is not relevant, nor supportive in determining the weight of

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household effects shipped in a subsequent PCS move. See B-162530, March 13, 1970; B-175484, July 26, 1972, and B-109015, September 6, 1977.

Accordingly, in view of all the facts presented in this case, the evidence submitted by the claimant does not show that the administrative determination made by the Air Force was erroneous. Therefore, there is no basis upon which we may allow his claim and the action of the Claims Division disallowing the claim is sustained.

R. F. KELLER

Comptroller General
of the United States