

11171 PLM-1

DECISION



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

FILE: B-193780

DATE: August 16, 1979

MATTER OF: Carl A. Massarini
Excess Weight

CLAIM for
Shipment of Household Goods]-

DIGEST: A National Security Agency employee after transfer to Frankfurt, Germany, purchased goods believing he could later ship them home at Government expense when reassigned to the United States because a weight limitation of 2,750 pounds had been removed from 2 JTR paras. C 7052-1b and C 7053-3 effective July 1, 1972. However, the employee is indebted for shipment of household goods in excess of the weight limitation which had been reimposed by the JTR effective January 1, 1973, since the employee's shipment of household goods under travel orders of April 7, 1975, for transfer back to the United States was governed by that JTR change.

Mr. Carl A. Massarini, (an employee of the National Security Agency (NSA), appeals a determination that he is indebted to the United States for costs of shipping household goods in excess of the maximum authorized weight.) In response to Mr. Massarini's request that he be relieved of an indebtedness of \$703.08 assessed by NSA, our Claims Division by letter of December 2, 1977, held that he was indebted but reduced the debt by giving credit for the cost of shipping 500 pounds of household goods.

The issue is whether Mr. Massarini is entitled to a shipment of household goods in excess of the 3,250 pounds allowed incident to his change of permanent duty station from Frankfurt, Germany, to Fort George Meade, Maryland.

When Mr. Massarini transferred to Frankfurt in June 1972, his orders limited his shipment of household goods to 2,750 pounds in accordance with 2 Joint Travel Regulations (JTR) para. C 7052-1b (change 79, May 1, 1972). That regulation states that an employee with dependents is limited to shipment of 2,750 pounds of household goods when he is assigned to a station where he is to occupy quarters furnished with Government-owned furnishings. It also provides that whenever any items of Government-owned furnishings which are normally provided are unavailable and the employee is so advised, the allowance will be increased in an amount equal to the weight of personally owned furnishings required in lieu of Government-owned

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furnishings. The same weight restriction applied to the return of household goods from such overseas areas. 2 JTR C 7053-3. Change 81 to the JTR removed the 2,750 pound weight restriction for household goods shipped back to the United States (or shipped to other unrestricted overseas areas) under permanent duty travel orders with an effective date on or after July 1, 1972.

Mr. Massarini acquired additional household goods believing that he could ship them home at Government expense without the 2,750 pound limitation. However, change 88, February 1, 1973, amended paras. C 7052-lb and C 7053-3 to reimpose the limitation on household goods shipped from and to the United States. The 2,750 pound weight restriction was restored effective January 1, 1973, at the direction of the House Committee on Appropriations, which curtailed funds for shipments beginning on that date. See H. Rept. No. 92-1389, 92d Cong., 2d Sess., pp. 76-77. The restriction has remained the same since then.

Mr. Massarini was transferred from Frankfurt to Fort George G. Meade by travel orders dated April 7, 1975, when the 2,750 pound weight limitation was in effect. Mr. Massarini's shipment of household goods pursuant to the travel orders exceeded the weight limitation by 1,038 pounds and gave rise to his indebtedness of \$703.08. However, NSA advised our Claims Division that the need for some weight relief was known prior to the time orders were issued because of the unavailability of certain items and NSA had previously authorized an increase of up to 500 pounds on the return shipment of household goods from another station in Germany. It also stated that it believed an amendment of Mr. Massarini's travel order to permit reimbursement of an additional weight of 500 pounds would not violate 2 JTR C 2053-2 which prohibits retroactive change of travel orders. Accordingly, our Claims Division found that Mr. Massarini was indebted because of the shipment of the excess weight, but that the indebtedness should be recomputed on the basis of an additional credit of 500 pounds. The additional allowance was approved to accommodate items that were unavailable as Government furnishings which were normally provided at overseas locations and such action was consistent with the weight limitations in the regulations.

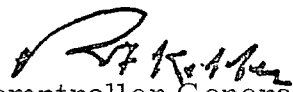
Applicable regulations imposing the weight limitation were those effective on the date of Mr. Massarini's travel orders for return to the United States. Financial hardship may have existed in Mr. Massarini's case because he purchased goods in Frankfurt

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in reliance on the existing JTR provisions at the time of purchase. However, it has been held that all employees are charged with the knowledge that laws and regulations are subject to change at any time, and therefore they are not entitled to rely on regulations remaining unchanged for future travel. See In the Matter of Carl W. Kaufman, B-182324, July 31, 1975.

In his appeal Mr. Massarini has alleged that NSA made errors in setting the weight limitations for shipment of his household goods to and from Frankfurt. He also states it was the intent of Congress to avoid injustice or undue hardship on individuals. There is no evidence that NSA made any error in setting the weight limitation on the shipment to Frankfurt. Regarding the return shipment NSA has taken action to avoid (undue hardship on Mr. Massarini ^{the employee} by seeking and obtaining approval to authorize the shipment of an additional 500 pounds of his household goods.

^{the employee} Accordingly, Mr. Massarini is indebted for the excess weight, ^{the} ~~and our~~ Claims Division action ^{was} is sustained. ^{action of the}


Deputy Comptroller General
of the United States