

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548***[Request for Refund of Excess Weight Cost in,**11449*

FILE: B-194441

DATE: September 18, 1979

MATTER OF: Donald F. Roach - Transportation of Household Goods] - Excess Weight

DIGEST: Employee who was transferred from San Jose, Costa Rica, to Washington, D.C., had authorized 1,920 pounds of household goods in nontemporary storage in Alexandria, Virginia, and shipped 9,726 pounds for a total weight of 11,646 pounds. The employee may not be relieved of his liability for the cost of shipping household goods in excess of the maximum allowable weight of 11,000 pounds allowed under 5 U.S.C. 5726(c) and 5 U.S.C. 5724(a). Regardless of the reasons for the shipment of an excessive weight of household goods, the law does not permit the Government to incur the charges therefor.

By letter dated March 19, 1979, Mr. Donald F. Roach, an employee of the Federal Highway Administration (FHA) appealed our Claims Division's disallowance on September 26, 1978, of his claim for the refund of the excess cost of shipping his household goods incident to his transfer from San Jose, Costa Rica, to Washington, D.C. Upon review, we sustain the disallowance of the Claims Division.

The record shows that incident to Mr. Roach's transfer from Washington, D.C., to Bogota, Columbia, in 1972 he was authorized reimbursement for the nontemporary storage of his household goods. He was reimbursed by the FHA for the period from March 29, 1972, to July 19, 1976, for the nontemporary storage, in Alexandria, Virginia, of 1,920 pounds of household goods.

By travel order dated May 27, 1976, Mr. Roach was authorized reimbursement for the transportation of his household goods incident to his transfer from San Jose, Costa Rica, to Washington, D.C. By letter dated May 27, 1976, the FHA informed him that the maximum allowable weight of household goods that may be transported or stored in connection with a permanent change of station is 11,000 pounds, net. He was further advised that as he had 1,920 pounds of household goods stored at Government expense, he would be authorized to ship 9,080 pounds at Government expense. He was also advised that he could call the agency if he had any questions regarding his move.

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Mr. Roach shipped 9,726 pounds of household goods which together with the household goods in nontemporary storage resulted in a total weight of 11,646 pounds. The agency subsequently advised Mr. Roach of his liability for the cost of transporting the household goods in excess of the maximum allowable weight and obtained payment from him of the cost of shipping the excess 646 pounds of household goods.

The Claims Division disallowed Mr. Roach's claim for refund of the cost of shipping the excess weight of the household goods, on the basis that the maximum weight limitation for reimbursement for the storage and shipment of household goods is 11,000 pounds.

Mr. Roach now appeals the disallowance of his claim on the basis that he did not receive his travel orders setting forth the maximum weight limitation for the storage and transportation of household goods until the day before he left San Jose. Furthermore, he states that he did not receive packing instructions for his household goods in time for packing.

Section 5724(a) of title 5, United States Code, provides that the maximum weight of household goods authorized to be transported incident to a transfer is 11,000 pounds. Section 5726(c) of title 5, United States Code (1976), provides that the weight of property in nontemporary storage together with the weight of property transported may not exceed the total maximum weight of property the employee would be entitled to have moved under 5 U.S.C. 5724(a).

As the 11,000 pound weight limitation is statutory, no Government agency or employee has the authority to permit transportation in excess of the weight limitation. Therefore, regardless of the reasons for the shipment of the excessive weight of household goods, the law does not permit payment by the Government of charges incurred incident to shipment of the excess weight. See Robert Y. Ikeda, B-181631, October 9, 1974, and Richard L. Canas, B-189358, February 8, 1978.

Waivers of certain claims of the United States against a person arising out of erroneous payment of pay or allowances of civilian employees are authorized when collection would be against equity and good conscience and not in the best interest of the United States under 5 U.S.C. 5584. However, such waiver authority does not extend to indebtedness resulting from payment of travel and transportation expenses and allowances and relocation expenses payable under 5 U.S.C. 5724a. See 4 C.F.R. 91.2(c); Canas, supra.

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Accordingly, the disallowance of Mr. Roach's claim is sustained.

Perkins
Deputy Comptroller General
of the United States