

285-15186

OGC HAS REVIEWED.

22 July 1955

MEMORANDUM FOR: Deputy Director (Support)

25X1A9a

SUBJECT : Excess Shipping Charges - [REDACTED]

REFERENCE : Memorandum from Director of Communications to DD/S, Dated 11 July 1955, Same Subject

1. Reference states that [REDACTED], an Office of Communications employee, is being assessed \$336.50 for the shipment of household effects in excess of an authorized 3,000 pound limitation. The Director of Communications recommends that [REDACTED] be relieved of this assessment on the grounds that payment will represent a real and undeserved financial hardship for him. 25X1A9a

2. The information contained in reference indicates that subject was aware of the 3,000 pound gross weight limitation and signed a document acknowledging this fact. He states that he was assured by the shipping company in Boston that the entire shipment, crated, would not exceed 2,800 pounds and on the basis of this estimate directed the company to proceed with the crating and shipping. The goods were not weighed prior to packing. The estimate was not a bid and the charge for shipping was based upon the actual weight after crating rather than upon the estimate. The Passenger Movement Branch of the Logistics Office attempted to stop the shipment upon learning that the packed weight was over 6,000 pounds, but since the goods had been loaded aboard ship it was too late to stop the shipment. Upon arrival in [REDACTED] the shipment was verified to weigh 6,315 pounds, approximately 2,200 pounds of this being attributed to packing and crating materials. 25X1A6a

3. The facts of this case indicate that [REDACTED] is indeed the victim of unfortunate circumstances and holds a strong equitable position for relief from this assessment. However, it is also true that the Agency was not in any way responsible for the mistake. Since the crating and shipping of Wilson's effects was not within the control of the Agency there is no legal ground for transferring to the Government the excess costs. Hardship alone offers no legal basis for relieving Wilson of the assessment. 25X1A9a

[REDACTED]

We recognize the hardship imposed here and sympathize with [REDACTED] position but under the circumstances of this case we can find no ground in law affording relief. 25X1A9a

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4. Although it offers no relief in this case, it should be noted that a new contract with [REDACTED], the prime contractor, will provide for the weighing of all shipments both prior to and after crating. The Agency will be informed of these weights in order that it may inform the employee and modify the shipment if he wishes to avoid excess shipping charges.

25X1A9a

[REDACTED]
Office of General Counsel

OGC:HDM:ss

Distribution

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Dir. of Communications

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