

or transportation requests paid on one original bill. However, if supplemental bills (claims) arise from asserted retroactive increases in charges or from currency fluctuations, GSA (BW) will consider a carrier's written request for the single billing of such charges applicable to multiple original bills, if such request bears the concurrence of the agency's paying office.

(c) Claims supplemental to passenger transportation charges previously paid under the automatic payment system set forth in §101-41.206 shall show the GTR number, ticket number, and period under which the original charges were paid.

(31 U.S.C. 952, 31 U.S.C. 3726, 31 U.S.C. 1801, and 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977; 42 FR 41129, Aug. 15, 1977, as amended at 46 FR 42666, Aug. 24, 1981; 48 FR 27726, June 17, 1983; 48 FR 35650, Aug. 5, 1983]

§ 101-41.603-3 Documentation required for claim settlements.

(a) A claim is settled on the basis of the contract of carriage as evidenced by the bill of lading, transportation request, or other contractual agreement; the payment record; reports and information available to GSA and/or to the agency out of whose activities the transaction arose; and the written and documentary record submitted by the claimant. Oral presentations supplementing the written record are not acceptable.

(b) Settlements are founded on a determination of the legal liability of the United States under the factual situation disclosed by the record. The bur-

den is on the claimant to establish the liability of the United States and the claimant's right to payment. Clear and detailed documentation by the claimant is essential to the claim settlement; bare assertions or conclusions are not acceptable.

§ 101-41.603-4 Where to file transportation claims.

(a) Claims involving collection actions resulting from the transportation audit performed by the General Services Administration must be filed directly with GSA (BWCA). Any claims so submitted to GSA will be considered "disputed claims" under section 4(b) of the Prompt Payment Act. All other transportation claims generally shall be filed with the agency out of whose activities they arose; if that is not feasible (e.g. where the responsible agency cannot be determined or is no longer in existence) they may be sent to GSA (BWCA) for forwarding to the responsible agency or for direct settlement by GSA's transportation audit office. Claims for GSA processing shall be addressed to the General Services Administration (BWCA), Washington, DC 20405.

(b) A claimant who disagrees with the action taken on his claim by the agency's payment office may request reconsideration or review of that action, provided he meets applicable time limitations. (See §101-41.602 of this subpart and subpart 101-41.7 of this part.) The levels for progression of claims not disposed of to the satisfaction of the claimant are as shown in the following table:

PROGRESSIVE STEPS AVAILABLE TO CLAIMANTS REQUESTING RECONSIDERATION OR REVIEW OF DISPUTED CLAIMS

Disputed claims involving—	Applicable to disputed claims filed with—	Agency action for reconsideration by—	Agency dispositive action for reconsideration or review by—
Deductions for loss or damage to property.	Agencies out of whose activities the claims arose.	Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office ¹ .	Comptroller General of the United States. ²
Other than loss or damage to property.	Agencies delegated authority to perform audit as GSA's designee. (See note.) Agencies not delegated authority to perform audit as GSA's designee.	Head of agency delegated authority. General Services Administration (BWA) ³ .	Do. Administrator of General Services ⁴ or Comptroller General of the United States. ²

NOTE: Authority to audit transportation bills was delegated effective Oct. 12, 1975, to the Department of State for bills paid at overseas offices and to the Department of Defense for bills paid at certain overseas offices and for bills paid by the Military Airlift Command for contract airlift services. Mailing addresses for those specifically named above as responsible for the reconsideration or review of transportation claims upon request of claimants are:

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¹ Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office, Washington, DC 20548.

² Comptroller General of the United States, U.S. General Accounting Office, Washington, DC 20548.

³ General Services Administration (BWCA), Washington, DC 20405.

⁴ Administrator of General Services, General Services Administration (BW), Washington, DC 20405.

(31 U.S.C. 952, 31 U.S.C. 1801; 31 U.S.C. 3726, 31 U.S.C. 1801, 40 U.S.C. 486(c))

[46 FR 42667, Aug. 24, 1981, as amended at 48 FR 27726, June 17, 1983; 48 FR 35650, Aug. 5, 1983]

§ 101-41.604 Payment of transportation claims.

§ 101-41.604-1 Transportation claims payable by agencies.

Unless GSA's Office of Transportation Audits determines that a prepayment audit is necessary under 41 CFR 101-41.103(i), each agency or department shall pay any properly documented bill (claim) for freight or passenger transportation charges that is not excepted by the provisions of § 101-41.604-2 provided the following guidelines are observed:

(a) The agency shall annotate each paid claim, other than a bill for air excess baggage charges, with the payment record on the related procuring Government bill of lading (GBL) or Government transportation request (GTR) including Disbursing Office (DO) voucher number, bureau voucher number, date of payment, and DO symbol number.

(b) The agency shall make an administrative examination of each claim to ensure that it is not a duplicate billing of a previous payment and that it is properly supported, presented in the name of the carrier to which the original charges were paid, and in agreement with agency records concerning the amount previously paid.

(c) Claims paid in accordance with this § 101-41.604-1 shall be transmitted to GSA (BWAA/C) separately from other paid transportation documents submitted for audit.

(31 U.S.C. 952, 31 U.S.C. 3726; 40 U.S.C. 486(c))

[47 FR 33960, Aug. 5, 1982, as amended at 48 FR 27726, June 17, 1983; 53 FR 25166, July 5, 1988]

§ 101-41.604-2 Transportation claims not payable by agencies.

(a) Agencies shall not pay supplemental claims for amounts which have been administratively deducted from transportation payment vouchers in connection with loss and/or damage to

property but shall forward such claims to: Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office, Washington, DC 20548.

(b) Agencies shall not pay the following types of transportation claims:

(1) Any claim that is "time barred" by a statute of limitations as indicated in § 101-41.602 or any claim on which there is doubt as to whether it is "time barred."

(2) Any claim that refers to a GSA file number or to a previously paid amount which is not in agreement with the agency's record of prior payment.

(3) Any claim that is doubtful. A claim is doubtful when in the exercise of fair judgment of the person responsible for deciding appropriate administrative action or the person who, in accordance with applicable statutes, will be held accountable if the claim were paid and then found to be incorrect, illegal, or improper, is unable to decide with reasonable certainty that the claim is valid and correct. The accuracy of rates, fares, routes, and related technical data shall not be a factor in determining the correctness of the claim.

(4) Any pricing adjustment claims for services previously billed and paid, except single-factor ocean rate adjustments (SFORA) on international household goods shipments. Each SFORA claim shall be billed on a separate Public Voucher for Transportation Charges, SF 1113, and the annotation "SFORA claim" shown on the SF 1113.

(5) Claims described in paragraph (b) of this section are subject to GSA prepayment audit. Any claims so submitted to GSA will be considered 'disputed claims' under Section 4(b) of the Prompt Payment Act.

(6) Interest penalties under the Prompt Payment Act are not required when payment is delayed because of a disagreement between a Federal agency and a carrier or forwarder over the amount of the payment or other issues.