

B-259760

June 12, 1995

Robert Norcom
Auditor
Tri-State Motor Transit Company
P.O. Box 113
Joplin, MO 64802

Dear Mr. Norcom:

We refer to your letter on behalf of Tri-State Motor Transit Company dated December 8, 1994, requesting review of the General Services Administration's (GSA) denial of Tri-State's claim for additional charges of \$275.50 on Government Bill of Lading (GBL) transaction C-8,773,819.

GSA issued a Settlement Certificate on January 17, 1995, again denying this claim on the merits after clarifying factual issues. However, on February 21, 1995, GSA reported to us that it now disputes the timeliness of this claim because the Navy paid the original bill for GBL C-8,773,819 on September 28, 1990, and GSA's date stamp on the Public Voucher for Transportation Charges (Standard Form (SF)-1113) involving your firm's claim indicates that GSA did not receive it from your company until September 30, 1993. Under 31 U.S.C. § 3726(a)(2), the Administrator of General Services may pay a carrier's claim for additional charges if, in relevant part, it is received not later than 3 years after payment of the original bill for transportation services.

You contend that GSA actually received the claim on September 28, 1990. To support this position, you offer copies of Tri-State's business records. Those records consist of a copy of a plain piece of paper with about 90 GBL-type numbers handwritten on it, including the number of the GBL transaction in issue. The number "5693133 456" also appears at the top of this paper. Tri-State provided what appears to be a copy of an Airborne Express Cartage Record, where one of the shipment numbers listed is "005693133 456." This shipment was received by "C. Moore" on September 28, 1993. It is not disputed that C. Moore is an employee of GSA's Office of Transportation Audits. However, this number does not necessarily prove that the subject GBL transaction number was actually received by GSA on the indicated date rather than the date shown by the GSA stamp.

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The facts here are substantially similar to those involved in our decision Tri-State Motor Transit Company, B-256166; B-256411, May 30, 1995, and for the reasons stated in that decision, we believe that your firm's business records present limited evidence, and are not sufficient to overcome the presumption that the date indicated by the GSA stamped on the SF-1113 is the date of GSA's actual receipt.

We agree with GSA's modified basis for settlement. Tri-State's claim for \$275.50 is time-barred; we do not reach its merits.

Sincerely yours,

/s/ Seymour Efros
for Robert P. Murphy
General Counsel

cc: SJA, Military Traffic Management Command
Director, Office of Transportation Audits, GSA