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Transp
Mr. Bell

GAC

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-197184

March 26, 1980

Yellow Freight System, Inc.
P.O. Box 7270
10990 Roe Avenue
Shawnee Mission, Kansas 66207

Attention: James D. Hestand
Overcharge Claims Adjuster

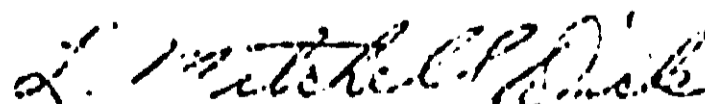
Gentlemen:

We refer again to your letter of December 11, 1979, requesting review of action taken by the General Services Administration (GSA), in collecting by deduction, \$475.36 from Yellow Freight System, Inc. (Yellow), for overcharges that were collected by Braswell Motor Freight Lines, Inc., for the transportation of a shipment of propellant nitrogen tetroxide from Vicksburg, Mississippi, to Van Nuys, California, under Government bill of lading (GBL) K-5405056.

The GBL was issued on November 15, 1976, and Braswell filed a petition for an arrangement under the Federal Bankruptcy Act on December 2, 1976. Their Notice of Overcharge was sent by GSA to Yellow on the theory that Yellow was managing Braswell's operations.

GSA's report indicates that the Administration now agrees that since the shipment was transported prior to the filing date of the petition, Yellow is not liable for the overcharge, and the deduction from monies due Yellow was improper. Therefore, it would appear that if the claim is otherwise proper, the amount claimed will be allowed. For these reasons your request for review by the Comptroller General is dismissed as moot.

Sincerely yours,



L. Mitchell Dick
Assistant General Counsel



UNITED STATES GOVERNMENT

GENERAL ACCOUNTING OFFICE

Memorandum

March 26, 1980

TO : Assistant Commissioner, Office of Transportation
Audits, TA GSA - Thomas P. Wolf

FROM : Assistant General Counsel, OGC, GAO - L. Mitchell Dick *LMD*

SUBJECT: B-197184
Yellow Freight System, Inc. (Braswell)

The attached papers are being returned, as requested in your letter of February 11, 1980. Please note from the attached copy of our letter, dated today, to Yellow Freight System, Inc., that, in view of your determination that the setoff from Yellow to recover overcharges of \$475.36 collected by Braswell Motor Freight Lines, Inc., was improper and the amount claimed will be allowed, we have dismissed Yellow's request for review under 4 C.F.R. 53 as moot.

Attachments