

B-254822

May 23, 1994

Auditor  
Tri-State Motor Transit Company  
P.O. Box 113  
Joplin, Missouri 64802

Dear Mr. :

This letter concerns your request for review of the General Services Administration's (GSA) audit action on Government Bill of Lading (GBL) C-5,742,071.

We understand that GSA partially allowed your claim in the amount of \$172 because the transaction involved a foreign military sale. GSA denied the balance of your claim (\$408.50) because you supported the claim for exclusive use with paperwork from another transaction, GBL C-7,828,515.

Our review of an enclosure to your letter of July 27, 1993, the letter in which you requested review, shows that GSA is correct. The copy of the GBL you submitted for review indicates that the GBL number is C-5,742,071; however, the next two pages (photocopies of GBL Continuation Sheets) with the seal information needed to support your claim for exclusive use involve GBL number "C-7,828,515." Your recent letter to GSA's Director of the Office of Transportation Audits, dated April 4, 1994, confirms that your claim is based on GBL transaction C-5,742,071.

As you know, the burden is on the claimant to establish the clear legal liability of the United States and the claimant's right to payment. The material you have furnished does not resolve the inconsistency noted above, nor does it otherwise establish that the government requested exclusive use.

We are closing our file in this matter.

Sincerely yours,

Jerold D. Cohen  
Acting Associate General Counsel

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**DIGEST**

When the carrier's claim for exclusive use depends on the wording of seal information contained on a government bill of lading continuation sheet, the government's liability is not clearly established if the GBL number on the continuation sheet varies with that contained on the first page of the copy of the GBL and with other carrier documents used to support the claim, and the carrier does not offer evidence which resolves the inconsistency.