



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 9, 2007

CBCA 770-TRAV

In the Matter of RADHIKA PATOLE

Radhika Patole, Buffalo, NY, Claimant.

Karen Polomaine, Travel Coordinator, Department of Veterans Affairs, Albany, NY, appearing for Department of Veterans Affairs.

DeGRAFF, Board Judge.

Employees who travel on official business are expected to use the same standard of care when they incur expenses as would a prudent person traveling for personal business.

Background

The Department of Veterans Affairs (DVA) authorized Radhika Patole to fly from her permanent duty station to Philadelphia, Pennsylvania, and spend one day visiting two hospitals near Philadelphia in order to evaluate equipment made by two manufacturers. Her travel authorization did not say what mode of ground transportation Ms. Patole was supposed to use while she was traveling in the Philadelphia area.

Ms. Patole and two co-workers flew to Philadelphia and arrived at approximately 7:15 in the morning. Ms. Patole and her co-workers did not want to rent a car because they were unfamiliar with the Philadelphia area and they had arranged a very tight schedule to visit the two hospitals. They arrived on the same flight as a representative of the company whose equipment they were supposed to evaluate at the first hospital, and the company representative said he had arranged for a shuttle service to take him from the airport to the first hospital. Ms. Patole and her co-workers decided to join him and share the cost of the shuttle. When Ms. Patole reached the parking lot, she saw the shuttle was actually a

limousine. Due to time constraints, says Ms. Patole, she and her co-workers did not have time to look for another mode of transportation, so they traveled to the first hospital in the limousine and arrived there around 8:30.

At 10:30, Ms. Patole and her co-workers were ready to leave the first hospital and travel to the second hospital, where they had an appointment for 12:00 noon. She says that due to time constraints and heavy traffic, she and her co-workers took the limousine to the second hospital (without the equipment company's representative). Ms. Patole and her co-workers did not use the limousine to travel from the second hospital back to the airport.

Ms. Patole submitted a claim to DVA for \$299 for the use of the limousine. The DVA denied the claim because it did not believe Ms. Patole exercised the same care in incurring this expense that a prudent person would exercise if traveling on personal business, and because the use of a limousine was a luxury accommodation or service which was not necessary in order to perform DVA's business and caused Ms. Patole to incur excess costs.

Discussion

Employees who travel on official business are expected to use the same standard of care when they incur expenses as would a prudent person traveling for personal business. 41 CFR 301-2.3 (2006). With the wealth of information readily available on the internet, it is easy to find distances and directions between travel points and to discover what types of transportation are available in an area. A prudent traveler who is scheduled to fly to an unfamiliar city, meet tightly scheduled appointments to visit two sites, and fly home the same day would not wait until the airplane lands to decide what to do about ground transportation. A traveler flying to a major metropolitan area such as Philadelphia might decide it is sensible to use taxis for ground transportation, because taxis are plentiful at large airports and will nearly always be available in suburban areas if one telephones for them. DVA concluded that a prudent person traveling Ms. Patole's route for personal business would not have paid \$299 for limousine service and we find DVA's conclusion is reasonable. A prudent traveler whose expenses were not being reimbursed by the Government would have taken a taxi from the airport and called for a taxi to be available when the time came to leave the first hospital, or would have arrived at some similarly economical plan to obtain the necessary ground transportation.

Ms. Patole is not eligible to be reimbursed for the "excess" costs she incurred due to using the limousine service. 41 CFR 301-2.4. It would not be appropriate for DVA to determine how much of the \$299 is "excess" by looking to see what the costs would have been if Ms. Patole had rented a car, because agencies must authorize employees to use rental

cars and DVA did not authorize Ms. Patole to rent a car. It would be appropriate, however, for DVA to determine how much of the \$299 is “excess” by looking to see what the costs would have been if Ms. Patole had taken taxis, because agencies can approve as well as authorize the use of taxis.¹ 41 CFR 301-10.420, -10.540. Ms. Patole says it would have cost between \$225 and \$300 if she had traveled by taxi, but we are not sure what support she has for these figures and her estimate is high according to the information regarding ground transportation found on the Philadelphia airport’s web site (www.phl.org) and the website of the Philadelphia Parking Authority (www.philly-taxi.com/fares.htm), which regulates taxi fares in Philadelphia.

DVA should reimburse Ms. Patole the amount it would have cost if she had taken a taxi from the airport to the first hospital and from the first hospital to the second hospital. If Ms. Patole has any information which will assist in arriving at such an estimate, she should provide it to DVA. Any costs above this amount are excess costs Ms. Patole incurred due to the use of the limousine service and are not reimbursable.

The claim is granted in part.

MARTHA H. DeGRAFF
Board Judge

¹ Authorizations are given in advance of an event, while approvals are given after the fact. *Samuel G. Baker*, GSBCA 15408-RELO, 01-1 BCA ¶ 31,276; *Charles Bonneville*, B-131525 (July 17, 1957); 22 Comp. Gen. 895 (1943).