



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 28, 2007

CBCA 655-TRAV

In the Matter of JACK L. HOVICK

Jack L. Hovick, Elmwood, NE, Claimant.

Randy L. Frazier, Assistant Director, Mission Support, United States Citizenship and Immigration Services, Lincoln, NE, appearing for Department of Homeland Security.

SHERIDAN, Board Judge.

Claimant, Jack L. Hovick, an employee of the Department of Homeland Security, United States Citizenship and Immigration Service (USCIS), Nebraska Service Center (NSC), seeks review of the agency's decision not to allow the more costly covered parking associated with his travel.

Claimant was sent on a temporary duty (TDY) assignment to the USCIS Port-au-Prince, Haiti, office from November 4 through 18, 2006. Before leaving, Mr. Hovick sought clarification of his options for travel to and from his residence in Elmwood, Nebraska, and the airport terminal in Omaha. Mr. Hovick's residence is approximately fifty-two miles east of the Omaha airport terminal.

The travel manager at the NSC gave Mr. Hovick two options. One, he could drive from his residence to Lincoln, leave his vehicle in Lincoln, and take a shuttle from Lincoln to the Omaha airport terminal. He could then return to his residence by reversing this trip. The other option offered to him by the travel manager was that he could be driven to and from his residence and the Omaha airport terminal in his privately owned vehicle (POV) by another person, and be reimbursed the cost of mileage for the two round-trips from his residence to the airport terminal.

Finding neither of these options satisfactory, claimant obtained a quote from A & B Shuttle for the cost of a taxi between his residence and the airport terminal. A & B quoted \$120 for a one-way trip and \$240 for the round-trip. Mr. Hovick asked the travel manager if he could be authorized to use his POV to drive himself to the airport terminal and park at the airport's covered parking garage. Use of the POV was authorized, but claimant was advised by the travel manager that NSC did not pay for TDY parking that was longer than five days, and "under-cover parking could only be authorized by the ACD [Assistant Center Director]." Claimant was authorized \$4 per day to park in the long-term surface parking lot. Mr. Hovick asked that his request to park in the more expensive \$10 per day covered parking garage be passed to the ACD for consideration, and the travel manager agreed to do so.

Claimant's request for covered parking was not acted upon or authorized prior to the start of his TDY. Nevertheless, Mr. Hovick elected to use his POV to drive himself to and from his residence and the airport terminal and to park in the covered parking garage. "Since I was convinced that the requested option would be approved and was less expensive for the government than a taxi from my home to the airport and return, I used this option. Upon my return from TDY, I was informed that my request for consideration of this option was not forwarded or acted upon." He incurred parking fees of \$168 by parking in the covered garage.

Claimant submitted his travel voucher claiming round-trip mileage from Elmwood to Omaha and \$168 for parking fees at the Omaha airport terminal covered garage. The claim totaled \$215.17 (\$168 plus POV mileage of \$47.17). Of the \$168 claimant claimed for parking at the airport terminal, Mr. Hovick was reimbursed \$60, a reduction of \$108. The agency took the position that claimant was not entitled to reimbursement of \$108 of the parking fees because prior to going on TDY he only had been authorized reimbursement for parking in the long-term surface lot. The \$47.17 POV mileage he claimed was paid in full.

Claimant sought reconsideration of his claim from individuals within his organization, arguing that the parking fees should have been paid in full because the amount he claimed for mileage and parking fees using his POV was less than he would have incurred using a taxi between his residence and the airport terminal. Mr. Neil Jacobson, NSC's Acting Deputy Director, wrote that to his knowledge, extended covered parking had not been granted in the past and that, based on "the fact the NSC specifically considered and addressed the covered parking question prior to your departure[,] I find your decision to park in the covered area was an 'upgrade' in parking beyond what was authorized."

Mr. Hovick submitted his claim seeking the additional \$108 in parking fees to this Board, where the matter was docketed on February 27, 2007, as CBCA 655-TRAV.

Discussion

Claimant argues that because the round-trip taxi fare between his residence and the airport terminal would have cost more than driving his POV and parking it in the covered parking garage at the airport terminal, he was justified in parking his POV in the covered parking garage as opposed to the less expensive surface parking lot that was authorized by the agency. Claimant is incorrect because first, he was not authorized to incur taxi fare from his residence and the comparison is thus not apt, and second, the covered parking expense was not prudent.

It is a fundamental, overarching principle that a federal civilian employee traveling on official business “must exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.” 41 CFR 301-2.3 (2006). Here, the NSC specifically informed claimant that it was not authorizing the more costly covered parking for claimant’s TDY. Nevertheless, claimant, without authorization, elected to park in the covered parking area, essentially deciding unilaterally to “upgrade” his parking.

As using the surface parking would have been significantly less expensive than the covered parking, the agency reasonably determined that parking in the covered lot would not have been prudent. For us to accept the covered lot as being a prudent expense, claimant must demonstrate that using the covered parking would have resulted in some economic or logistical benefit to the agency. *See, e.g., Peter C. Thurman*, GSBCA 15562-TRAV, 01-2 BCA ¶ 31,516 (agency’s refusal to pay for taxi instead of shuttle which was less expensive was upheld). Claimant has provided no justification as to how using the covered parking might provide a logistical benefit to the agency. Further, claimant did not exercise the same care and regard for incurring the covered parking expense as would a prudent person traveling at personal expense, particularly since at the time he incurred the expense he was aware it had not been authorized. The unjustified and unauthorized additional expense is claimant’s. We deny the claim.

PATRICIA J. SHERIDAN
Board Judge

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PJS/CLH