



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 1, 2008

CBCA 1028-TRAV

In the Matter of BEVERLY J. WARD

Beverly J. Ward, Washington, DC, Claimant.

Edmund J. Trepacz, II, Office of the General Counsel, Department of Education, Washington, DC, appearing for Department of Education.

SOMERS, Board Judge.

Background

For the duration of Beverly J. Ward's employment with the Department of Education (the agency), including the period from September 21, 2005, through September 6, 2006, her official duty station was in Washington, D.C. However, at the request of United States Senator Thad Cochran, the Secretary of Education assigned Ms. Ward on a temporary detail from September 21 through September 30, 2005, to the Senator's state office in Jackson, Mississippi, in order to provide assistance in the recovery efforts resulting from Hurricane Katrina. In a written travel authorization, the agency authorized airfare from Washington, D.C., to Mississippi and the use of a rental car during this period. The remarks section of the travel authorization form stated:

No per diem or lodging for the duration of this trip. This travel authorization is for 9/21-9/30, trip extends through October 21. A second travel authorization will be created for dates Oct 1-21, 05.

Despite the notation in the remarks section that a second authorization would be created, the agency did not issue such an authorization. The travel authorization ended on September 30, 2005. However, Ms. Ward remained in Mississippi working for the Senator for nearly one year after her authorization expired. During this period, Ms. Ward apparently made

various charges to her government and personal credit cards related to rental car and fuel expenses.

In September 2006, Ms. Ward returned to Washington, D.C., and formally terminated her employment with the agency. She subsequently made several inquiries about reimbursement for her rental car and fuel expenses. However, she did not submit a written claim. On March 21, 2007, Ms. Ward filed an appeal with this Board, which we dismissed without prejudice pending her submission of a claim to the agency. *Beverly J. Ward*, CBCA 669-TRAV, 07-2 BCA ¶ 33,625.

Subsequently, Ms. Ward submitted a written request for reimbursement to the agency. By letter dated December 12, 2007, the agency reimbursed Ms. Ward for expenses she incurred as a result of the authorized travel for the period from September 21 to September 30, 2005. The agency rejected her claim for reimbursement for any expenses incurred after September 30, 2005, based upon the fact that the agency did not authorize travel beyond that date.

Discussion

The Federal Travel Regulation (FTR), which governs travel and relocation matters for federal civilian employees, provides that an employee is eligible for reimbursement of temporary duty (TDY) expenses when the employee travels on official business. 41 CFR 301-1.3 (2006). An employee may not incur any travel expense without a written or electronic travel authorization. 41 CFR 301-2.1. The FTR defines the term “travel authorization” to mean “[w]ritten permission to travel on official business.” 41 CFR 300-3.1 *Michael L. Scott*, GSBCA 16310-RELO, 04-1 BCA ¶ 32,526 (2003). Special authorization or prior approval is required for the use of a rental car. 41 CFR 301-2.5(g).

As evidenced by the travel authorization, the agency authorized travel from September 21 to September 30, 2005, to include the use of a rental car. Once the travel authorization expired on September 30, 2005, the agency acted appropriately by rejecting Ms. Ward’s claim for reimbursement of rental car expenses that occurred after the expiration of her travel authorization.

Ms. Ward argues that a September 20, 2005, e-mail message from the agency stating that the agency would pay for a rental car contains no time limitation and that “it was understood that the expenses would be reimbursed for that period.” Ms. Ward is incorrect. The agency expressly stated in the e-mail that “we will be providing airfare to Jackson, as well as a rental car, for use for official duty.” The e-mail message did not extend the reimbursable period.

In sum, we conclude that the agency acted reasonably and in accordance with regulations when it rejected Ms. Ward's claim for car rental expenses incurred after September 30, 2005. The claim is denied.

JERI KAYLENE SOMERS
Board Judge