



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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July 12, 2007

CBCA 689-TRAV

In the Matter of ISSY CHESKES

Issy Cheskes, Roswell, GA, Claimant.

Howard L. Marsh, Regional Director, Employee Benefits Security Administration, Department of Labor, Atlanta, GA, appearing for Department of Labor.

**STERN**, Board Judge.

Issy Cheskes claims that the Employee Benefits Security Administration (EBSA) wrongfully denied his claim of \$24.18, for use of his personal vehicle to pick up a government furnished vehicle (GSA car) on official business.

Background

On January 29, 2007, Mr. Cheskes, employed with the EBSA in Atlanta, Georgia, commenced an official temporary duty (TDY) assignment to Charleston, South Carolina. Mr. Cheskes held an official open authorization to travel (travel order) which permitted him to use various forms of transportation including a government vehicle. In this instance, Mr. Cheskes used his personal vehicle and drove from his home to the location of his regular duty station, which also happened to be the location of the GSA car that he was to use on this official travel assignment. Mr. Cheskes did not report to his office. He picked up the GSA car and drove to South Carolina. At the conclusion of this travel, on February 2, 2007, Mr. Cheskes drove the GSA car from South Carolina back to the location of his official duty station, dropped off the car at that station, and then retrieved his personal vehicle for the trip

back to his residence.<sup>1</sup> The trip from Mr. Cheskes' home to the location of his official duty station is twenty-six miles. Mr. Cheskes submitted a voucher for \$11.57 for the initial trip from his home to the GSA car, and \$12.61 for the trip home after dropping off the government car.<sup>2</sup> EBSA does not challenge the distance or mileage rate claimed. Mr. Cheskes states that his normal daily commute is by train, but he did not use that method of commuting since the parking at the train station would have been very costly during his travel. Mr. Cheskes has also demonstrated, without challenge by EBSA, that alternative forms of travel from and to his home would have been more costly than the method he chose. EBSA claims that use of a privately owned vehicle is only authorized outside an employee's commuting area and that as long as Mr. Cheskes picked up the GSA car at the building in which he works, he reported to his official duty station, even though he did not report to his office. The only question before us is whether Mr. Cheskes is entitled to be reimbursed for the costs of his travel from and back to his home to pick up and drop off a government vehicle.

#### Discussion

As a general rule, an employee on official TDY travel may be authorized reimbursement for the use of taxicabs or other special conveyance between the employee's residence and a common carrier terminal. *Jonathan Kaplan*, GSBCA 15854-TRAV, 03-1 BCA ¶ 32,088; 41 CFR 301-10.400, 420 (2006). An employee so authorized who chooses to use his personal vehicle will be reimbursed the mileage cost for the use of that vehicle, not to exceed the constructive cost of the special conveyance. 41 CFR 301-10.402.

Under the Department of Labor travel regulations, an employee may not be reimbursed for the cost of reporting to the employee's regular place of work. 7 DLMS Travel Management 1-2.3. An employee on TDY who works at his regular duty station on the day of travel is not entitled to be reimbursed the cost of his commute to and from his home.

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<sup>1</sup> Though the record does not specifically state that Mr. Cheskes did not report to his office upon his return from South Carolina on February 2, 2007, it is implied from the facts submitted by Mr. Cheskes, and not disputed by EBSA, that Mr. Cheskes returned the GSA car and then drove his personal vehicle home without reporting to his office.

<sup>2</sup> The mileage rate for reimbursement was \$.445 per mile on January 29, 2007, but was increased during Mr. Cheskes' travel, to \$.485 per mile.

Where the location of the first worksite is other than the employee's official duty station (i.e., alternative work location, garage, TDY site, or parking lot where [government cars] are kept, etc.) and the employee also works at the official duty station sometime during the day, the employee's claim for reimbursement must be reduced by the employee's normal commuting costs, that is, the employee may be reimbursed commuting costs from home to the alternative work location and to the official duty station and back home (including parking) less the employee's normal commuting costs.

*Id.* However, if the employee does not work at his official duty station he may be authorized to be reimbursed for mileage costs from and back to his home. *Id.*

The EBSA travel order for Mr. Cheskes authorized him to use taxis and other forms of special conveyance while on official travel. Since the regulations permitted Mr. Cheskes to use his personal vehicle as long as the cost was not greater than the special conveyance, Mr. Cheskes is entitled to be reimbursed for the use of his private vehicle as long as he did not report to his official duty station.

Here, Mr. Cheskes departed his home on official travel. He picked up a government vehicle at a location that happened to coincide with the location of his official work station. However, he did not report to his office or perform any work at that duty station. On the final day of his official travel, Mr. Cheskes dropped off the government vehicle at the original location and went home. Again, he did not report to or work at his office.<sup>3</sup> We find that since Mr. Cheskes did not report to the place that he normally starts his workday, in this case his office, he did not report to his official duty station within the meaning of Labor's travel regulations. Mr. Cheskes is entitled to the mileage cost for his trip to and from home at the mileage rate established by the General Services Administration.

Mr. Cheskes is entitled to be reimbursed \$24.18.

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JAMES L. STERN  
Board Judge

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<sup>3</sup> We presume that on regular work days EBSA would not consider that Mr. Cheskes has reported to work when he arrives at the parking lot.

