



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 26, 2010

CBCA 1924-TRAV

In the Matter of DANIEL McLOUGHLIN

Daniel McLoughlin, Yuma, AZ, Claimant.

Debra J. Murray, Chief, Travel Section, National Finance Center, United States Customs and Border Protection, Indianapolis, IN, appearing for Department of Homeland Security.

BORWICK, Board Judge.

Claimant, Daniel McLoughlin, is not entitled to full reimbursement of parking fees for his privately-owned vehicle (POV) while on an authorized temporary duty assignment (TDY). The Department of Homeland Security, through the United States Customs and Border Protection Service, the agency, correctly applied the Federal Travel Regulation (FTR) in limiting reimbursement to the estimated round-trip cost of a taxi fare between claimant's residence and the airport.

Background

Claimant, while on an authorized five-week TDY assignment in September and October of 2009, parked his POV at the San Diego Airport and incurred parking expenses of \$380. After auditing claimant's voucher for the \$380 expense, the agency limited claimant's parking reimbursement to \$87.40, the estimated cost of a round-trip taxi fare between claimant's residence at his permanent duty station and the airport. Claimant contests the agency's denial of full reimbursement for the parking expense.

Discussion

The FTR in effect at the time of claimant's travel, and still in effect now, entitles an employee on TDY to reimbursement of the usual taxi fare, plus tip, between home or office

and a common carrier terminal. 41 CFR 301-10.420(b)(1) (2009). When an employee, however, uses his or her POV to park at a common carrier terminal, the FTR limits reimbursement as follows:

What will I be reimbursed if I park my POV at a common carrier terminal while I am away from my official station?

Your agency may reimburse your parking fee as an allowable transportation expense not to exceed the cost of [the] taxi fare to/from the terminal.

Id. 301-10.308.

The General Services Board of Contract Appeals, the predecessor board in deciding these cases, in considering the then-applicable version of the FTR, which is substantively the same as the version we consider in this case, consistently held that reimbursement for parking a POV at an airport is limited to the estimated cost of a round-trip taxi fare to and from the airport. *Johnnie P. Saunders, Jr.*, GSBCA 16791-TRAV, 06-1 BCA ¶ 33,223 (discussing similar provision in Joint Travel Regulations); *Sandy A. Aubertine*, GSBCA 16759-TRAV, 06-1 BCA ¶ 33,170 (2005); *Arthur A. Johnson*, CBCA 13965-TRAV, 97-1 BCA ¶ 28,867. This regulatory limitation on reimbursement for parking a POV is mandatory and may not be waived by the agency. *Id.* Moreover, any advice provided by co-workers that claimant would receive full reimbursement for his POV parking cannot bind the agency to pay in violation of regulations. *Saunders*.

Claimant notes that he saved the Government money by staying in less expensive accommodations than he otherwise might have during the period of his temporary duty. Even if true, that fact does not enlarge claimant's regulatory entitlement. *See, e.g., James L. Landis*, GSBCA 16684-RELO, 06-1 BCA ¶ 33,225 (saving Government money by avoiding expense of overnight stay at foreign airport by flying on available non-United States Flag carrier flight does not waive Fly American Act penalties assessed claimant); *Jorge L. Gonzalez*, CBCA 984-RELO, 08-2 BCA ¶ 34,004 (good intention to save Government money does not waive statutory and regulatory limitation on reimbursement.)

Claimant also argues the agency approved \$150 for parking; however, the authorization's reference to parking and tolls related to the expenses of an authorized rental car at the TDY site, not parking a POV at an airport. Any perceived ambiguity in the authorization on this last point does not help claimant, because we must construe the authorization in a manner consistent with the regulatory limitation on POV parking.

Domenicangelo D'Angella, GSBCA 16704-RELO, 06-1 BCA ¶ 33,171 (2005). Consequently, we reject claimant's implicit suggestion that he should be reimbursed at least \$150 for parking his POV at the airport.

The Board denies the claim.

ANTHONY S. BORWICK
Board Judge