



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 10, 2010

CBCA 1609-TRAV

In the Matter of MICHAEL STRAND

Michael Strand, Lynn Haven, FL, Claimant.

Patsy Hiteshew, Financial Management Analyst, Naval Surface Warfare Center, Department of the Navy, Panama City, FL, appearing for Department of the Navy.

DRUMMOND, Board Judge.

Michael Strand, an employee of the Department of the Navy's Surface Warfare Center, seeks review of the agency's decision rejecting his claim for mileage associated with his temporary duty (TDY) assignment.

Background

Claimant resides in Lynn Haven, Florida, and his permanent duty station (PDS) is Panama City, Florida. In 2009, the agency sent him to Massachusetts on official travel. Claimant states that he began his travel on March 24 by taking a taxi from his residence to the airport in Panama City and then flying to Boston, Massachusetts. For his return, claimant combined personal travel with his TDY travel, going through Tampa, Florida. Claimant accomplished this by a combination of air and privately owned vehicle (POV) travel. Claimant obtained an inexpensive ticket from Boston to Tampa, and stayed in Tampa for several days while on annual leave. The cost of the one-way ticket from Boston to Tampa was \$426.60, \$75.60 less than the cost of the planned flight from Boston to Panama City.

Claimant departed Tampa on March 31 in a POV traveling 390 miles to his residence. The mileage allowance for a trip of this length is \$214.50 (390 miles at \$.55 per mile). After returning to his PDS, claimant submitted a travel voucher seeking a total of \$1039.40. Claimant's travel expenses included \$20 for a taxi from his residence to the airport (including an early morning pickup surcharge), \$928.80 for airfare, and \$90.60 for constructive POV mileage from Tampa to his residence. The agency denied claimant's claim for POV mileage, asserting that he "neither had written nor verbal authorization/approval to return to an alternate location, . . . and essentially ended his TDY in Tampa, FL vice his PDS."

Claimant alleges that he is entitled to an additional \$90.60 for his POV mileage expenses. The \$90.60 represents the difference between \$1039.40 (constructive round-trip taxi fare of \$35 and constructive round-trip airfare of \$1004.40) and \$948.80 (the amount the agency has already reimbursed claimant). The agency has reimbursed claimant \$20 for the taxi from his residence to the airport, \$502.20 airfare from Panama City to Boston, and \$426.60 for airfare from Boston to Tampa. According to claimant, the constructive costs of his direct trip should serve as the cap for reimbursing his indirect travel.

Discussion

The agency appears to believe that section 301-10.7 of the Federal Travel Regulation (FTR) requires it to deny claimant's request. That section informs employees, "You must travel to your destination by the usually traveled route unless your agency authorizes or approves a different route as officially necessary." 41 CFR 301-10.7 (2008). Claimant counters by arguing that section 301-10.8 of the FTR is controlling. The latter provision states that "if, for personal convenience, [you] travel by an indirect route or interrupt travel by a direct route . . . [y]our reimbursement will be limited to the cost of travel by a direct route or on an uninterrupted basis. You will be responsible for any additional costs." *Id.* 301-10.8.

Under the FTR, agencies must limit payment of travel expenses to costs which are necessary to accomplish a mission in the most economical and efficient manner. *Robert F. Teclaw*, CBCA 1572-TRAV, 09-2 BCA ¶ 34,166 (citing *Robert O. Jacob*, CBCA 471-TRAV, 07-1 BCA ¶ 33,530; 41 CFR 301-2.2, -70.1). Section 301-10-7 implements this rule by limiting agency liability for the costs of employee travel to those incurred on the usually traveled route or another route authorized by the agency as officially necessary. If an employee chooses for reasons of personal preference to travel by a route different from the one authorized by his agency, section 301-10.8 prescribes how expenses will be allocated: the agency will provide reimbursement up to the cost of travel by a direct route or on an uninterrupted basis, and the employee will absorb any additional expense he incurs.

In other words, “the relevant provisions of the FTR . . . strictly limit[] reimbursement for [temporary duty travel] to the constructive cost of a round trip originating and ending at the [permanent duty station] even if the travel orders authorized departure from and/or return to another location to accommodate the personal circumstances of the traveler.” *Teclaw*, 09-2 BCA at 168,904 (citing *Jacob*, 07-1 BCA at 166,110).

Claimant left for Boston on official business from his home in Lynn Haven, and therefore he is entitled to reimbursement for the cost of travel from Boston back to Lynn Haven. Because he seeks the balance of the travel cost from Boston to Lynn Haven via an indirect and interrupted route up to the cost of travel via the direct route selected by the agency, we find that claimant is entitled to reimbursement in the full amount at issue.

JEROME M. DRUMMOND
Board Judge
