March 2, 2011

CBCA 2249-TRAV

In the Matter of ROGER CHALONEC

Roger Chalonec, Port Tobacco, MD, Claimant.

Tanya Jones Silver, Division Manager, Financial Operations Department, Pension Benefit Guaranty Corporation, Washington, DC, appearing for Pension Benefit Guaranty Corporation.

SHERIDAN, Board Judge.

Claimant, Roger Chalonec, a civilian employee of the Pension Benefit Guaranty Corporation (agency or PBGC), seeks payment of $49.50 in per diem. As claimant was in travel status from the time he left his residence until the time he returned home, a total of thirteen hours, he is entitled to an appropriate per diem allowance.

Background

On October 19, 2010, claimant traveled from his home in Port Tobacco, Maryland, to Coraopolis, Pennsylvania, and back. Claimant states he left his home at 7:15 a.m. and drove his privately owned vehicle (POV) 62.29 miles to Baltimore-Washington International Airport (BWI), where he parked in the garage. A parking receipt shows claimant entered the parking garage at 8:57 a.m. Claimant traveled to Coraopolis and back on the same day. He left the BWI parking garage at 6:58 p.m. and drove 62.29 miles in his POV back to his home in Port Tobacco. He states that he encountered bad weather and arrived at home at 8:15 p.m.

Claimant vouchered for his travel, requesting a per diem allowance of $49.50 because he spent over thirteen hours in travel status. While the agency accepted that claimant spent a total of thirteen hours traveling, it denied the per diem allowance, positing that it was required to deduct "normal commuting time [from claimant's] total time in travel status."

After performing said deduction, the agency determined claimant was in travel status only eleven hours, thus making a per diem allowance unauthorized.

<p align="center">Discussion</p>

Per diem allowances are authorized for government employees "when traveling on official business away from the employee's designated post of duty or away from the employee's home." 5 U.S.C. § 5702(a)(1) (2006). In implementing this statutory authorization, the Federal Travel Regulation (FTR) provides that:

301-11.1   When am I eligible for an allowance (per diem or actual expense)?

When:
(a) You perform official travel away from your official station, or other areas defined by your agency;
(b) You incur per diem expenses while performing official travel; and
(c) You are in a travel status for more than 12 hours.

. . . .

301-11.9 When does per diem or actual expense entitlement start/stop?

Your per diem or actual expense entitlement starts on the day you depart your home, office, or other authorized point and ends on the day you return to your home, office or other authorized point.

301-11.10 Am I required to record departure/arrival dates and times on my travel claim?

You must record the date of departure from, and arrival at, the official station or any other place travel begins or ends. You must show this same information for points where you perform TDY [temporary duty] or for a stopover or official rest stop location when the arrival or departure affects your per diem allowance or other travel expenses. You also should show the dates for other points visited. You do not have to record departure/arrival times, but you must annotate your travel claim when your travel is more than 12 hours but not exceeding 24 hours to reflect that fact.

41 CFR 301-11.1, -11.9, -11.10 (2009). The FTR does not require the deduction of normal commuting time from the calculation of time in travel status.

As stated by the General Services Board of Contract Appeals, our predecessor in settling federal employee travel and relocation expense claims, travel status "normally begins or ends with the individual's departure from or return to his or her PDS [permanent duty station], home, or other authorized point." *Daniel A. Crittenden*, GSBCA 16144-TRAV, ¶ 04-1 BCA ¶ 32,470, at 160,593 (2003).

As claimant was in travel status for over twelve hours, he is entitled to receive an appropriate per diem allowance, which is $49.50.

PATRICIA J. SHERIDAN
Board Judge