



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 16, 2011

CBCA 1984-TRAV

In the Matter of MICHAEL E. FIELD

Michael E. Field, Santa Cruz, CA, Claimant.

Karen D. Baker, Office of Administrative Policy and Services, United States Geological Survey, Reston, VA, appearing for Department of the Interior.

GILMORE, Board Judge.

Claimant, Michael E. Field, has asked the Board to review the decision of the United States Geological Survey (USGS) to deny all costs associated with his travel to French Polynesia to speak at a conference, and require him to reimburse the Government all costs that the Government had already paid for his travel (i.e., airline ticket and lodging). The reimbursement amount the Government is claiming is \$4761.65.

Background

Claimant is the Project Chief for USGS's Pacific Coral Reef Studies. He traveled to French Polynesia in late February 2009 on behalf of the USGS and the Department of the Interior (DOI) to attend the Pacific Inter-Congress of the Pacific Science Association. He presented at the conference a paper which had been pre-approved by the appropriate authorities. The required conference forms had been submitted to the French Polynesian government and customs office confirming his attendance and participation. In addition to speaking at the conference, he conducted field investigations and met with colleagues.

His official travel authorization was signed by his supervisor on December 18, 2008. The travel orders authorized claimant to travel to French Polynesia from February 25 to

March 7, 2009, to attend a scientific meeting, present a paper, and confer on climate change, and they authorized certain expenditures. USGS's foreign travel guidelines state that "[a]ny USGS employees undertaking foreign travel to conduct official business on behalf of the USGS must submit and get approved a DI-1175 prior to the travel date." Claimant knew he had to submit a DI-1175 form for approval because he had done so on prior trips. He, thus, prepared the form on the applicable website for submission to the agency's Bureau Support Unit (BSU), which is the office that secures the necessary approvals. He did not receive the approval notice before he left the country but was not concerned because on an earlier trip he received the approval notice after he had already started his travel and USGS paid all expenses incurred under his travel orders.

After claimant completed his travel to French Polynesia, he submitted his expense voucher for reimbursement. The finance office asked him to provide the approved DI-1175 certification form. He and BSU were unable to locate the approved form in the travel database. Claimant then came to believe that maybe he had forgotten to push the "submit" button when sending the form electronically for approval. The record shows that he had prepared a DI-1175, and that it had been deleted from the database by the Chief of BSU at some later time. It is not clear why and when claimant's DI-1175 form was deleted from the system, but it appears that the form was never submitted to DOI for approval. The record shows that there are instances where employees forget to click the "submit" button after preparing a draft DI-1175 and also there are instances where BSU has prepared travel documents to send to the traveler and forgotten to click the "DOI approved" button (which sends the approval notice to the employee). The evidence also shows that there are times when the approval notices are not issued to employees in a timely manner, and the employee's travel costs are reimbursed. Here, because claimant was not able to produce an approved DI-1175 form, USGS's Chief Financial Officer determined that his travel was unauthorized and that he was not entitled to any travel expenses associated with the trip and that he had to reimburse USGS the costs that USGS had already paid (\$4761.65).

Discussion

The travel authorization is a record of vested travel entitlements. It provides a notice and record of the employee's instructions and entitlements and may not be administratively altered after the fact to increase or decrease benefits in the absence of clear error. *Nina Robertson*, CBCA 1617-TRAV, 10-2 BCA ¶ 34,467; *Andre E. Long*, GSBCA 14498-TRAV, 98-1 BCA ¶ 29,731. Consequently, legal rights and liabilities in regard to travel allowances vest when travel is performed under a competent order. *Id.* at 147,387.

While the USGS foreign travel guidelines require an employee traveling to a foreign country to submit a DI-1175 certification form for approval by DOI prior to the travel date, there appears to have been no system in place, at the time of claimant's travel, to have the

travel orders issued only after receipt of an approved DI-1175 form. The travel authorization claimant was issued did not state that his orders were contingent upon any further approvals. Furthermore, the record shows that administrative errors have occurred from time to time in the travel approval process, and that employees were allowed their travel reimbursements if they were issued official travel orders.

Based upon a preponderance of the evidence, including the unusual circumstances surrounding the DI-1175 approval process in this case, we find that claimant traveled under valid travel orders and that claimant is entitled to any costs for his travel that are otherwise allowable under the applicable regulations.

Decision

Claimant traveled under valid travel orders. USGS is not entitled to reimbursement from claimant of expenses already paid for claimant's travel (airline ticket, lodging, etc.). We return this matter to USGS to determine whether the expenses claimed by claimant under his travel orders are otherwise allowable.

BERYL S. GILMORE
Board Judge