



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 9, 2012

CBCA 2831-TRAV

In the Matter of LORI L. BRATTIN

Lori L. Brattin, Great Mills, MD, Claimant.

Bonnie Petree, Travel Department Supervisor, Naval Air Warfare Center Aircraft Division, Patuxent River, MD, appearing for Department of the Navy.

DANIELS, Board Judge (Chairman).

As we have explained, “when, in the course of official travel, an employee encounters extraordinary, unexpected circumstances which make prudent spending a night at a hotel at an airport rather than venturing a considerable distance to the employee’s home or office, the Government – for whose benefit the employee is making the trip – should reimburse the employee for the cost of the hotel room and other per diem expenses.” *Timothy J. Hurley*, CBCA 2762-TRAV (June 27, 2012); *see also Michael N. Heinz*, CBCA 2696-TRAV, 12-1 BCA ¶ 34,999; *Diane M. Balderson*, CBCA 2416-TRAV, 11-2 BCA ¶ 34,801. The Department of the Navy failed to heed this ruling or the reasoning behind it with regard to a claim by one of the agency’s employees, Lori L. Brattin.

Ms. Brattin traveled on government business from Patuxent River, Maryland, to Fort Worth, Texas, in May 2012. On the day she was scheduled to return home, severe weather – hailstorms and tornadoes – hit the Dallas/Fort Worth area. Airplanes were damaged and flight schedules were disrupted. Ms. Brattin’s flight was canceled. She was given a choice by the airline: take a different flight to Reagan National Airport later that evening or wait in the Dallas/Fort Worth International Airport until a seat on another flight to Reagan could be found. The latter alternative would have meant a stay of at least a day, and vacant hotel rooms in the area were scarce. Ms. Brattin chose to take the flight immediately available to her. The flight was delayed; it did not arrive at Reagan until 2 a.m.

Ms. Brattin says that she has poor night driving vision and believes that her personal safety would have been endangered if, upon her late arrival at Reagan Airport, she had embarked on the one and one-half hour drive home. With the assistance of the agency's designated travel agent, she booked a hotel room near the airport, spent the night there, and returned home the next morning.

The Navy refused to reimburse her for the cost of the hotel room, taxes on that lodging expense, and parking for her car at the hotel. The agency believes that its position is mandated by paragraph C4552-C.1.a of the Defense Department's Joint Travel Regulations (JTR).

The Navy's determination was wrong. It ignores the three Board decisions cited above, the earliest of which was issued as long ago as July 2011. The other two decisions involve the same division and travel office that made the determination at issue here. All three of these decisions reject the interpretation of JTR C4552-C.1.a which the agency applied to Ms. Brattin's claim; they read this paragraph in conjunction with other provisions of the JTR and the Federal Travel Regulation. Tribunals write decisions not only to resolve particular disputes before them, but also to provide parties with advice which can be applied to similar situations in the future, so that additional disputes can be avoided. We are disappointed that the travel office did not appreciate the educational role of the Board's decisions.

Ms. Brattin's predicament fits well within the bounds of a situation which merits reimbursement. She was greatly inconvenienced while traveling on government business, and her personal safety required the hotel stay at issue. The Navy should absorb the costs in question, with the hotel costs limited to the maximum rate established by the General Services Administration for the area near Reagan Airport. *See* 41 CFR 301-11.6 (2011).

STEPHEN M. DANIELS
Board Judge