



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 20, 2013

CBCA 2672-TRAV

In the Matter of GAIL K. PECHULI

Gail K. Pechuli, Washington, DC, Claimant.

Olivette M. Hooks, Deputy Director, Office of International Conferences, Department of State, Washington, DC, appearing for Department of State.

DANIELS, Board Judge (Chairman).

The Department of State sent Gail K. Pechuli on a temporary duty assignment from Washington, D.C., to Bozeman, Montana, in May 2011. The department and the employee disagree about the amounts one owes to the other as a result of this trip. Although both parties have made errors in calculations, we have sufficient information to reach a conclusion in the matter.

The department's plans were to have Ms. Pechuli fly to Bozeman on May 11 and return on May 22. At her request, however, the department purchased tickets for flights from Washington to Phoenix on May 7, from Phoenix to Bozeman on May 11, and from Bozeman to Washington on May 22. On the days from May 7 to 11, Ms. Pechuli was on vacation in Phoenix.

On May 20, Ms. Pechuli asked to be allowed to leave Bozeman a day early, and that request was granted as well. At her request, the department exchanged her Bozeman to Washington ticket for two separate tickets – from Bozeman to Salt Lake City on May 21 and Salt Lake City to Washington on May 25.

Thus, instead of flying from Washington to Bozeman and back, Ms. Pechuli flew from Washington to Phoenix to Bozeman to Salt Lake City to Washington. The Federal Travel

Regulation explains that if an employee travels by an indirect route or interrupts travel, as she did, “reimbursement will be limited to the cost of travel by a direct route or on an uninterrupted basis.” 41 CFR 301-10.8 (2010). The department asserts, without contest from the employee, that the cost of the direct, uninterrupted route for this trip would have been \$1108.¹ The actual cost, paid by the Government, for Ms. Pechuli’s flights was \$2126.20.² Ms. Pechuli owes the department for the difference between these two figures, \$1018.20. In July 2011, she gave the department a check in the amount of \$378.80 (not \$338.80, as thought by some in the department), apparently in the belief by both parties that this was the cost of a flight from Washington to Phoenix. Deducting \$378.80 from \$1018.20, Ms. Pechuli continues to owe the department \$639.40 because she traveled by an indirect, interrupted route.

Ms. Pechuli maintains that she had asked to be allowed to leave Bozeman on May 21, rather than May 22, because she was ill while on assignment there. She says that after flying to Salt Lake City, she received medical treatment in Boise, Idaho, before returning to Washington. Department officials who granted her request to leave Bozeman early have no recollection of her using illness as a reason for curtailing her assignment. In any event, Ms. Pechuli has presented no records of medical treatment in Boise or elsewhere during May 2011, and she has not explained why any necessary medical treatment could not have been obtained in Bozeman. She has provided us with a memorandum from a woman with whom she stayed in Boise, stating that Ms. Pechuli “was ill at the time she arrived (racking cough, physically weak, no energy, etc.).” This information does not constitute evidence, however, that her travel to Boise was due to an incapacitating illness that required transportation to an alternate location for treatment. Therefore, the provisions of the Federal Travel Regulation regarding reimbursement of travel costs incurred for such a reason are not applicable to this case. *See* 41 CFR pt. 301-30, -70.505, -70.506.

¹ A figure of \$1150.80 is also cited in documents submitted for the record, but later correspondence establishes that that number represents the cost in 2012. We use the cost in 2011, when Ms. Pechuli traveled.

² The department paid \$1585.20 for the originally-purchased Washington to Phoenix to Bozeman to Washington flights. It then purchased tickets on flights from Bozeman to Salt Lake City and Salt Lake City to Washington (\$1232.40), and received a refund of \$691.40 for returning the ticket for the Bozeman to Washington flight. The Bozeman to Washington flight entailed a stop in Salt Lake City, but because Ms. Pechuli did not make a continuous trip from Bozeman to Washington, the cost of the ticket was greater than it would have been if she had traveled without interruption.

The parties also disagree about the amount to which Ms. Pechuli is entitled as a consequence of other expenses she incurred for this trip. The employee maintains that she is entitled to \$150.31 – \$950.31 (a per diem allowance of \$701.50,³ local transportation costs of \$173.81, and airline baggage fees of \$75) less her travel advance of \$800. The department thinks that she should receive only \$88.81 – \$888.81 (a per diem allowance of \$640, plus the other costs noted) less the \$800 advance. Neither of these figures is correct, although the department's is much closer to the mark. The General Services Administration-prescribed per diem allowance was \$61 for each of the full days Ms. Pechuli was in Bozeman (May 12-20) and \$45.75 (three-quarters of \$61) for the days she traveled to and from that city. 41 CFR 301-11.101. Thus, the total per diem allowance to which she is entitled is \$640.50. The department owes her, for the expenses noted in this paragraph, \$89.31 -- \$889.31 less the \$800 advance.

Considering both airfare and other costs of this trip, Ms. Pechuli owes the Department of State \$550.09.

STEPHEN M. DANIELS
Board Judge

³ No lodging costs are involved, since the Government provided lodging for Ms. Pechuli in Bozeman.