



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

November 13, 2013

CBCA 3437-TRAV

In the Matter of KAREN LYNN

Karen Lynn, Arlington, VA, Claimant.

Charles N. Stowell, Financial Management Analyst, Bureau of the Comptroller and Global Financial Services, Department of State, Washington, DC, appearing for Department of State.

DANIELS, Board Judge (Chairman).

Karen Lynn has asked us to reconsider our decision which denied her claim for an additional day of per diem allowance while she was on temporary duty (TDY). In that decision, we held that pursuant to both the Department of State's Foreign Affairs Manual and the Federal Travel Regulation, the per diem entitlement of an employee who crosses the international date line while on official travel is based on actual travel time rather than calendar days. Consequently, although Ms. Lynn was in travel status on two different calendar days while crossing the line, she is entitled to per diem allowance for only one day.

In her claim, Ms. Lynn had provided us with a lengthy recitation of her itinerary, and in response, the Department of State showed that it had paid her all the per diem she had requested, except for the first day of travel. We consequently focused on that first day in our decision. In her request for reconsideration, Ms. Lynn notes that we did not specifically address her argument that because she was in travel status for twenty-six days, seven hours, and fifty-five minutes, she is entitled to per diem for twenty-seven days, not the twenty-six for which she was paid.

The argument which Ms. Lynn advances is not well taken. The Government's travel regulations are written and applied on a day-by-day basis. For example, the term "per diem"

is Latin for “by day,” and lodging costs are evaluated on a daily basis even when they are arranged on a long-term basis. When the regulations speak of “actual elapsed travel time,” they are clearly referring to travel time for a particular flight (or other means of transportation), rather than total time during which an employee is on temporary duty. Consequently, the argument does not provide good grounds for the State Department’s paying an additional day of per diem allowance to Ms. Lynn for the assignment at issue. Her request for reconsideration is denied.

STEPHEN M. DANIELS
Board Judge