



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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February 7, 2014

CBCA 3299-TRAV

In the Matter of MICHAEL T. HOYT

Michael T. Hoyt, Naples, FL, Claimant.

Sheila Melton and Christine Boggs, Travel Functional Area, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

**POLLACK**, Board Judge.

Michael T. Hoyt, who is not a member of the federal civilian workforce, seeks reimbursement for airfare expended for his mother and himself, in traveling from his home to attend a memorial service at Elsworth Air Force Base, South Dakota. The memorial service was for Mr. Hoyt's brother, a member of the uniformed services, who was killed in action. Mr. Hoyt was provided invitational travel orders from the Air Force (AF) to attend the service. In securing airline tickets, in January 2012, Mr. Hoyt utilized frequent flyer miles, expecting that he could be reimbursed for them by the AF.

The AF Flight Command that issued the orders has stated that Mr. Hoyt was not provided proper directions on how to purchase his airline tickets. When Mr. Hoyt put in for reimbursement under the orders, he was advised that he would not be reimbursed for his air fare, because he had purchased the ticket through frequent flyer miles and not cash. Mr. Hoyt was paid for per diem and other identified charges, but was not reimbursed for the airline tickets. Mr. Hoyt appealed to this Board, seeking reimbursement.

Under applicable law, the determination as to whether Mr. Hoyt is entitled to reimbursement is outside this Board's authority to resolve. Accordingly, we must return the matter to the AF.

Statute, at 31 U.S.C. § 3702 (2012), defines how various claims against the United States are to be handled. The statute provides in pertinent part:

(a) Except as provided in this chapter or another law, all claims of or against the United States Government shall be settled as follows:

- (1) The Secretary of Defense shall settle—
  - (A) claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits; and
  - (B) claims by transportation carriers involving amounts collected from them for loss or damage incurred to property incident to shipment at Government expense.
- (2) The Director of Office of Personnel Management shall settle claims involving Federal civilian employees compensation and leave.
- (3) The Administrator of General Services shall settle claims involving expenses incurred by Federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official duty station.
- (4) The Director of the Office of Management and Budget shall settle claims not otherwise provided for by this subsection or another provision of law.

The Administrator of General Services has delegated to this Board the authority provided to him in 31 U.S.C. § 3702 to settle claims involving civilian employees. However, neither Mr. Hoyt nor his brother was or could qualify as a civilian employee of the United States. While we recognize the significance of Mr. Hoyt attending the memorial service for his brother, absent at least some nexus to the civilian employee workforce, we cannot provide Mr. Hoyt any relief. Under the law, we have no authority to settle the claim. Accordingly, we dismiss the claim and return the matter to the AF.

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HOWARD A. POLLACK  
Board Judge