



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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August 7, 2018

CBCA 6075-TRAV

In the Matter of TIFFINIE K. MEYER

Tiffinie K. Meyer, Temple, TX, Claimant.

Leslie R. Violette, Director, Quality Assurance and Policy Division, Office of the Chief Human Resources Officer, Natural Resources Conservation Service, Department of Agriculture, Washington, DC, appearing for Department of Agriculture.

**VERGILIO**, Board Judge.

The claimant's reimbursement for unauthorized use of a rental vehicle is limited to costs that would have been incurred with the authorized method of transportation. The claimant is not entitled to an additional travel day or other associated reimbursements, because the claimant had opted to interrupt return travel for personal convenience; the flight cancellation would not have impacted the claimant, because the claimant would have returned days earlier when performing official business.

In December 2017, the claimant was on temporary duty (TDY) travel. The agency had approved the claimant to delay return travel for personal reasons. The return travel required two flights, as there was no non-stop, direct flight. The second flight was cancelled because of weather. Given the delay at the layover airport, the claimant opted to rent a car and drive home on that day, instead of waiting for the next flight, which would have been the following day, to complete the journey. The claimant returned the rental car to the final destination airport (where she had parked her vehicle) the day after returning home, with the explanation that she returned the rental car when driving to its drop-off location was safe. The claimant seeks to be paid \$163.75 for the rental car, \$14.50 for gas, and \$51.75 for per diem at 75% for the day of returning the rental vehicle. The airline refunded \$100.67 to the agency for the canceled flight—leg two of the return travel.

The agency has denied the requested reimbursement on the bases that the use of the rental vehicle was not in the best interest of the agency (given the weather conditions it was unsafe for the employee to drive home), and a departmental regulation and the Federal Travel Regulation (FTR), 48 CFR 301-10.450 (2017) (FTR 301-10.450), which require authorization for use of a rental vehicle, which here was not sought or obtained.

Although, as the agency points out, regulation requires authorization for the use of a rental vehicle, the regulation says more: “**What is my liability for unauthorized use of a rental automobile obtained with Government funds?** You are responsible for any additional cost resulting from the unauthorized use of a commercial rental automobile for other than official travel-related purposes.” FTR 301-10.453. This notion parallels that in FTR 301-10.6. The agency would have expended \$100.67 for the claimant to travel from the layover airport to the final destination. Pursuant to the regulations, the claimant is entitled to be reimbursed actual costs of rental and associated costs up to that amount. The claimant expended in excess of \$100.67, so reimbursement is limited to that figure.

FTR 301-2.4 specifies that an agency will not pay for excess costs resulting from delays unnecessary or unjustified in the performance of official business. The return travel occurred for personal reasons on other than the date that was required for the temporary duty assignment. Because the delayed return was unnecessary or unjustified in the performance of official business, other costs the claimant seeks associated with the canceled flight (e.g., payment for additional meals and incidental expenses) are not reimbursable. The claimant would not have encountered the canceled flight but for the return delayed for personal convenience.

The claimant is entitled to be reimbursed an additional \$100.67.

Joseph A. Vergilio  
JOSEPH A. VERGILIO  
Board Judge