



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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July 29, 2019

CBCA 5988-TRAV

In the Matter of CALEB B. HALSTEAD

Caleb B. Halstead, RAF Menwith Hill, UK, Claimant.

Cynthia Bennett, Chief, Business Management and Acquisition, National Security Agency, Fort George G. Meade, MD, appearing for Department of Defense.

**HYATT**, Board Judge.

Claimant, Calvin B. Halstead, has requested that the Board reconsider its decision denying his claim for the payment of per diem in connection with local travel that he performed as a civilian senior legal adviser employed by the Department of the Air Force and stationed at Royal Air Force Menwith Hill in North Yorkshire, United Kingdom. For the reasons stated, the request is denied.

The Board's decision held that because Mr. Halstead's temporary duty assignment (TDY) consisted of attending a hearing approximately twenty miles from Mr. Halstead's official duty station in North Yorkshire, and involved round trip train travel for four days, none of which exceeded a duration of twelve hours, payment of a per diem allowance was not permitted under the applicable regulation. *Caleb B. Halstead*, CBCA 5988-TRAV, 18-1 BCA ¶ 37,154. Mr. Halstead argues, in his request for reconsideration, that authorization for reimbursement of lodging expenses, in addition to an allowance for per diem expenses, a fortiori entitles him to an allowance for per diem expenses even though he did not stay overnight at the TDY location and was not in TDY status for twelve or more hours on any of the days in question.

This contention ignores the clear requirements in both the Federal Travel Regulation (FTR) and the Joint Travel Regulations (JTR) to the effect that three conditions must be met

to allow payment of per diem in these circumstances – (1) the employee performed travel away from the official station or other areas defined by [the] agency; (2) the employee incurred per diem while performing official travel; and (3) the employee was in a travel status for more than twelve hours. 41 CFR 301-11.1 (2017); JTR 020601-B(2). The uncontroverted facts establish that there was no need for claimant to stay overnight at the location of the TDY assignment and he did not do so. Nor was he in a travel status in excess of twelve hours on any day that he attended the hearing. Moreover, claimant’s argument that the travel orders permitted reimbursement of overnight lodging was specifically addressed in the opinion:

The issuance of travel orders authorizing payment for overnight lodging and per diem does not change the analysis in these circumstances. Statute and implementing regulations make clear that there is no authority to authorize the payment of such expenses in these circumstances. As such, the travel orders were not valid for the purpose of creating an entitlement to per diem.

18-1 BCA at 180,862.

Claimant’s request for reconsideration restates an argument that was addressed and rejected in the Board’s decision. Board Rule 407 provides that “[m]ere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration.” 48 CFR 104.407 (2018); *accord Amy Jirsa-Smith*, CBCA 4739-TRAV, 16-1 BCA ¶ 36,220; *Gary L. Watson*, CBCA 2504-TRAV, 12-2 BCA ¶ 35,142.

#### Decision

Claimant’s request for reconsideration is denied.

*Catherine B. Hyatt*  
CATHERINE B. HYATT  
Board Judge