



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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November 30, 2022

CBCA 7484-TRAV

In the Matter of THANH D.

Thanh D., Claimant.

Robin A. Robinson, Staff Accountant, and Teresa L. Weaver, Division Chief and Bureau Finance Officer, Finance Division, Bureau of Safety and Environmental Enforcement, Department of the Interior, Sterling, VA, appearing for Department of the Interior.

**ZISCHKAU**, Board Judge.

Claimant is an employee of the Department of the Interior (DOI) in the Bureau of Safety and Environmental Enforcement (bureau). Claimant seeks to recover \$1267.82 in lodging, transportation, and per diem costs associated with traveling on official business to a conference in Oxon Hill, Maryland. His official duty station and residence are both located less than fifty miles from the conference site, but the route claimant used was fifty miles each way. In reviewing the travel voucher, the bureau concluded that the conference site entailed traveling less than fifty miles, so the bureau denied claimant's travel voucher. Because the distance to the conference was at least thirty miles from both claimant's residence and permanent duty station, we remand to the bureau's designated official to determine whether per diem is appropriate here under the agency's travel policy.

Background

On April 19, 2022, claimant submitted a travel authorization requesting approval for temporary duty (TDY) travel to a conference. The conference site was located at the National Harbor in Oxon Hill, Maryland. Claimant's official duty station and residence were

located in Virginia, and according to Google Maps, the distance from either to the conference was less than fifty miles by the usually traveled route.

The total cost of travel in the travel authorization was estimated to be \$1508.66. Bureau representatives reviewed and approved the authorization. The record indicates that additional bureau employees reviewed and affirmed the authorization.

Claimant attended the conference from June 7–10, 2022. Claimant attended sessions from morning to evening on June 7–9, and the conference ended at mid-day on June 10. Claimant stayed in a hotel at the conference site. The lodging and parking cost totaled \$1012.32. Claimant included in the record the actual route he drove from his residence to the conference site, and the mileage to and from the conference was between fifty and fifty-one miles each way. The route that claimant actually drove was longer than the usually traveled route, but the record supports a finding that the detour was reasonable given the construction and delays on the route. Claimant drove his personally owned vehicle (POV).

Upon his return from the conference, claimant submitted a travel voucher requesting reimbursement of his travel expenses in the amount of \$1267.82. The bureau, on August 3, 2022, notified claimant that his authorization had been deemed erroneous because the distance from both his residence and his official duty station to the conference site is less than fifty miles. Based on Google Maps, it was determined that his one-way mileage to the conference was in the range of thirty-nine to forty-three miles. The bureau also informed claimant that the authorization was not properly signed by an authorizing official and that the bureau would be issuing claimant a bill for collection in the amount of \$1012.32. On August 19, 2022, claimant filed his claim with us seeking his travel costs of \$1267.82.

### Discussion

Federal Travel Regulation (FTR) 301-11.1 (41 CFR 301-11.1 (2021)) provides:

When am I eligible for an allowance (per diem or actual expense)?

When (a) You perform official travel away from your official station, or other areas defined by your agency; (b) You incur per diem expenses while performing official travel; and (c) You are in a travel status for more than 12 hours.

The FTR defines “official station” as “[a]n area . . . that includes the location where the employee regularly performs his or her duties . . . or regular place of business . . . provided no part of the area is more than 50 miles from where the employee regularly performs his or her duties.” *Id.* 300-3.1. When traveling via POV, the distance between the origin and

destination is measured by either the actual miles driven as determined from odometer readings or as shown in standard highway mileage guides. *Id.* 301-10.302.

DOI maintains its own policy for TDY status. *See* Department of the Interior Temporary Duty Travel Policy (Aug. 31, 2018). It contains the following provisions on eligibility for TDY status:

### **2.1.1 Determining Eligibility for Per Diem Reimbursement**

. . . To be eligible for per diem reimbursement, the travel distance must be more than 50 miles from the residence and official duty station and TDY status is at least 12 continuous hours. Travelers are not eligible for per diem reimbursement for local travel.

#### **Travel within 50 Miles**

Under special circumstances, employees may be eligible for and authorized per diem for travel to a TDY location within 50 miles, but not less than 30 miles in distance of a traveler's residence and official duty station. The designated approving official may authorize per diem reimbursement in any of the following situations:

. . . .

Attendance at a training session or conference where the traveler would receive the full benefit of the event from remaining onsite to attend evening meetings or working meals.

*Id.* at 23.

The FTR further mandates that federal employees "must exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business" and that agencies "will not pay for excess costs resulting from circuitous routes . . . unnecessary or unjustified in the performance of official business." 41 CFR 301-2.3, -2.4.

While the record supports a showing that claimant reasonably took an alternate route that was fifty miles or greater due to construction and delays on the usual route from his residence, *see Herbert H. Gallart*, CBCA 3242-TRAV, 13 BCA ¶ 35,294, at 173,266 (noting that a difference of ten miles between the standard route and the actual route would be permissible, and that "a GPS unit may assist a driver in avoiding delays"), the record does

not show that construction delays would have required claimant to travel greater than fifty miles from his official station to the conference.

Nevertheless, the claimant was attending a conference, and according to the claimant's submissions, he was attending evening sessions which might well support finding per diem authorized under section 2.1.1 of the agency's travel policy, which, as noted above, provides that the designated approving official may authorize per diem reimbursement where the employee would receive the full benefit of the conference event from remaining onsite to attend evening meetings or working meals.

### Decision

We remand to the bureau's designated official to make the determination under section 2.1.1 of the agency's travel policy in the first instance, and the bureau should also correct the claimant's travel authorization with the appropriate review and approval actions as appropriate.

*Jonathan D. Zischkau*  
JONATHAN D. ZISCHKAU  
Board Judge