



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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April 18, 2023

CBCA 7658-TRAV

In the Matter of PETER M.

Peter M., Claimant.

Robin A. Robinson, Staff Accountant, Bureau of Safety and Environmental Enforcement, Department of the Interior, Sterling, VA, appearing for Department of the Interior.

**KULLBERG**, Board Judge.

Claimant, Peter M., an employee of the Bureau of Ocean Energy Management (BOEM), which is a part of the Department of the Interior (DOI), disputes the decision of the Bureau of Safety and Environmental Enforcement (BSEE), which is also within DOI, to recoup previously reimbursed travel expenses, in the amount of \$344.50, that he incurred while attending a conference. BSEE contends that claimant did not obtain a travel authorization (TA) until after he returned from the conference. Claimant contends that he could not obtain a TA because his ConcurGov (Concur) account had become inactive and his travel card had expired. For the reasons stated below, the Board denies the claim.

Background

On July 7, 2022, claimant, whose permanent duty station (PDS) is in Sterling, Virginia, was advised by BOEM's Chief of Staff (COS) that he was on the list of attendees for the senior leadership (SLT) conference in Shepherdstown, West Virginia, which was scheduled to begin on July 12, 2022. Claimant confirmed in a reply email to the COS that he was available to attend the SLT conference, but he also advised that his travel card had expired. The COS replied to claimant in an email and stated, "[T]hat's a BSEE question. I suggest you reach out to them."

Claimant attended the SLT conference from July 12–14, 2022, and there is no dispute that claimant did not obtain a TA before attending. During the conference, claimant was able to use his travel card after contacting the bank that issued it. On August 3, 2022, claimant completed his TA for the SLT conference, but he was only able to do so after reactivating his Concur account. Although the expenses on claimant’s travel card were billed to and paid by BOEM, BSEE has determined that such reimbursement was unauthorized because claimant did not obtain a TA before the conference. BSEE has the authority to review travel claims for BOEM.

Claimant filed his claim with the Board. After the docketing of this matter, BSEE submitted its agency report, and claimant then submitted his response. BSEE contends that claimant had sufficient time before the SLT conference in which he could have resolved any problems with his travel card and Concur account and obtained a TA. Claimant contends that he “was not aware that a written travel authorization was required before taking the trip, [and] even if [he] had known in advance, [he] would not have been able to obtain an authorization in advance (given that [his] card and Concur accounts were both inactive).” Additionally, claimant contends that he was informed at the conference that “reimbursement would be taken care of upon [his] return.”

### Discussion

At issue before the Board is whether claimant is required to pay back the reimbursement he received for attending the SLT conference because he did not obtain a TA before his departure. The Federal Travel Regulation (FTR), which applies to claimant, states the following:

#### **Must I have authorization to travel?**

Yes, generally you must have written or electronic authorization prior to incurring any travel expenses. If it is not practicable or possible to obtain such authorization prior to travel, your agency may approve a specific authorization for reimbursement of travel expenses after travel is completed. However, written or electronic advance authorization is required for items in § 301-2.5(c), (i), (n), and (o) of this part.

41 CFR 301-2.1 (2021) (FTR 301-2.1). FTR 301-2.5 states, in pertinent part, the following:

#### **What travel arrangements require specific authorization or prior approval?**

You must have a specific authorization or prior approval for:

....

- (o) Travel expenses related to attendance at a conference.

....

Note to § 301-2.5: Paragraph[] . . . (o) of this section require[s] a written or electronic advance authorization.

While FTR 301-2.1 allows authorization of travel afterward when obtaining such authorization in advance was impractical or impossible, that exception does not apply in the case of attendance at a conference, and FTR 301-2.5(o) requires written or electronic authorization in advance of attending a conference. Claimant did not have authorization in advance of attending the SLT conference, and, consequently, BOEM could not authorize his attendance at the conference after his return. BSEE is entitled to recover those amounts previously reimbursed for attending the conference.

Claimant contends that he was unable to obtain authorization in advance of the SLT conference because his travel card had expired, and his Concur account was no longer active, and he asserts that he was advised by his supervisor that authorization could be obtained upon his return. It is well established, however, that “an employee is charged with a constructive understanding of the applicable travel regulations, and an employee cannot be reimbursed because he or she mistakenly believed that reimbursement would be allowed.” *Thomas A. Gilbert*, CBCA 2214-RELO, 11-2 BCA ¶ 34,786, at 171,206 (citing *Daniel H. Coney*, GSBCA 15444-RELO, 01-2 BCA ¶ 31,500, at 155,563). The Board “cannot enlarge [a claimant’s] rights beyond those contained in statute and regulation.” *Id.* As discussed above, claimant’s arguments are of no avail because attendance at a conference requires authorization, and there are no exceptions allowed for failure to obtain it.

Even if the Board were to consider whether it was impossible or impractical for claimant to obtain a TA before the conference, there is insufficient evidence to support a finding in claimant’s favor. In spite of the fact that claimant was aware that his travel card had expired, he made no attempt to contact BSEE before his departure, which was contrary to advice from his COS. Claimant has not shown that he took any other steps to obtain a TA before his departure. Although claimant received relatively short notice of the SLT conference, he has not established it was impossible or impractical to obtain a TA, and the Board finds that claimant’s belief that he could obtain a TA afterward was misplaced.

Decision

The claim is denied.

*H. Chuck Kullberg*  
H. CHUCK KULLBERG  
Board Judge