



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

November 2, 2009

CBCA 1706-TRAV

In the Matter of MARK N. ROUSH

Mark N. Roush, Chehalis, WA, Claimant.

Richard F. Bierlich, Director of Logistics, Transatlantic Programs Center, U.S. Army Corps of Engineers, Department of the Army, Winchester, VA, appearing for Department of the Army.

WALTERS, Board Judge.

The Board has been asked to review a decision of the Department of the Army Corps of Engineers (Corps) Transatlantic Programs Center (TAC). The decision denied claimant, Mark N. Roush, reimbursement for a portion of the cost he expended for airline tickets used in connection with rest and recuperation (R&R) travel from Afghanistan. For the reasons set forth below, we find the Corps' decision incorrect and grant the claim.

Factual Background

Mr. Roush, a civilian employee of the Corps, was on a temporary duty (TDY) assignment to Afghanistan. As such, he was entitled to R&R travel, and opted to take R&R leave to and from his home of record (HOR) in Chehalis, Washington. Travelers from Afghanistan route their travel through Dubai, and transportation to and from Dubai is provided for them. They make their own travel arrangements beyond Dubai. The nearest airport to the claimant's HOR was Portland, Oregon. Mr. Roush was issued travel orders that provided, in part, "Traveler authorized to purchase own airline ticket not to exceed Government cost of ticket (\$3840.00) to/from R&R leave location (HOR) O/A 9 June 2009 through 30 June 2009." It appears that the dollar figure contained in his orders was based on a price quotation obtained by him in April 2009 from the San Antonio, Texas, call center

of the Corps' official travel agent, Carlson Wagonlit. Mr. Roush has provided a copy of an email message to him dated April 27, 2009, from that travel agent, stating: "Per our conversation, the roundtrip government airfare to fly roundtrip from Dubai to Portland, OR is \$3840.10."

Relying upon the quotation and the travel orders, Mr. Roush booked airline tickets from Dubai to Portland. For his return flight, however, he booked a flight originating in Seattle/Tacoma, Washington, and proceeding through Minneapolis, Minnesota, and Amsterdam en route to Dubai. The total cost of his roundtrip was \$3712.50, more than \$100 below the airfare total authorized by his travel orders. Upon completion of his R&R travel, on July 1, 2009, Mr. Roush submitted a travel voucher, in part seeking reimbursement for the \$3712.50 airfare. On July 14, 2009, Mr. Roush was notified that he was being paid only \$2622.10 of the \$3712.50. The lower amount, the Corps indicated, was based upon a "reconstruction" quotation the Corps had obtained from another Carlson Wagonlit office through the Corps' Afghanistan Engineer District (AED) Travel office. The Corps asserts that Mr. Roush had acted in "contravention of local policy" by contacting the San Antonio call center and by not obtaining the quotation from AED Travel in accordance with the following instruction in the AED Travel Guide for Civilian Rest and Recuperation Leave, provided to the Corps' civilian employees in Afghanistan:

Send an email to AED Travel to request a rate quote, indicate type of travel, "RR", nearest airport and the date you wish to travel, note the quote will be based on your home of record (HOR) as indicated on your travel orders.

On this basis, the Corps refused to reimburse Mr. Roush for the balance of the \$3712.50 airfare, and advised Mr. Roush that he could appeal the Corps' decision to this Board. Mr. Roush seeks that balance, i.e., \$1090.40 (\$3712.50 less \$2622.10).

Discussion

_____ This matter is resolved very simply. The travel authorization is a record of vested travel entitlements and may not be administratively altered after the fact to increase or decrease benefits in the absence of clear error. *William T. Cowan, Jr.*, GSBCA 16525-TRAV, 05-1 BCA ¶ 32,906, citing *Andre Long*, GSBCA 14498-TRAV, 98-1 BCA ¶ 29,731. Here, Mr. Roush's travel orders authorized him to purchase his own airline tickets at a cost "not to exceed . . . \$3840.00 to/from R&R location (HOR)." The Corps has not shown that these orders were, in any way, improper. Mr. Roush purchased his own airline tickets for \$3712.50 – less than \$3840 – to and from his R&R leave location (his home of record). Consequently, he is entitled, under the terms of the travel orders, to be reimbursed

the amount he spent for those tickets.¹ The orders did not direct the purchase of tickets with any type of airfare restrictions, and the tickets Mr. Roush purchased, a combination of YCA and KCA class tickets, were unrestricted Government tickets, i.e., they did not require advance purchase or specify minimum nor maximum stay requirements, travel time limits, or blackout periods. *See* JTR App. P1 at P1-1.

In the present case, the Corps has not explained why it was necessary to “reconstruct” Mr. Roush’s airfare, in light of his having complied with his travel orders. The fact that Mr. Roush had obtained an airfare quotation from another office of the same official Government travel agency used by the Corps, rather than accessing that agency through AED Travel, has not been shown to account for any difference in ticket pricing. To the contrary, what is clear and uncontested is that the \$2622.10 “reconstructed” airfare the Corps has used for cost comparison purposes is a lower-priced *restricted* airfare that required that the traveler “be ticketed two days in advance.” The Corps’ disallowance based on this *restricted* airfare was improper and in conflict with JTR requirements for developing a “policy-constructed air fare for [cost] comparison purposes,” which call for use of the “least expensive, *unrestricted* economy/coach airfare.” JTR App. A, Part 1 (emphasis added).

Decision

Based on the foregoing, we find the Corps’ decision unsupported and grant Mr. Roush’s claim for \$1090.40.

RICHARD C. WALTERS
Board Judge

¹The fact that Mr. Roush returned to Dubai from Seattle, rather than the airport closest to his home (Portland), is immaterial. An employee may recover actual costs of an alternative route, if less than the travel cost authorized, even if it involves a stopover for personal convenience. *James A. Wolfe & David A. Niemann*, GSBCA 14545-TRAV, 99-1 BCA ¶ 30,165 (1998).