



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 11, 2013

CBCA 2988-TRAV

In the Matter of ORLANDO SUTTON

Orlando Sutton, Huger, SC, Claimant.

Pamela Scalco, Travel Branch Chief, Forest Service, Department of Agriculture, Albuquerque, NM, appearing for Department of Agriculture.

ZISCHKAU, Board Judge.

Orlando Sutton, the claimant, seeks review of a decision by a supervisor who refused to authorize use of a taxi for travel to his government facility, presumably to obtain a government vehicle to be used for travel to a temporary duty (TDY) location which included an overnight stay. Because Mr. Sutton submitted a revised request for a travel authorization for use of his privately owned vehicle (POV), which was approved, and Mr. Sutton used his POV rather than a taxi, there is no expense being claimed here. Since Mr. Sutton is not seeking a reimbursement of expenses actually incurred, we do not have jurisdiction. 31 U.S.C. § 3702(a)(3) (2006). Accordingly, we dismiss the case.

The agency maintains that Mr. Sutton's residence is approximately nineteen miles from his official duty station and in the opposite direction of his TDY travel, that Mr. Sutton has the responsibility to provide his own transportation to and from the workplace, and thus that the agency "does not have the authority to reimburse or give the appearance [it is] reimbursing" employee costs incurred from the employee's residence to his permanent duty station. Apparently, Mr. Sutton wanted to take a taxi to his workplace to pick up the government vehicle for travel to the TDY location because of mechanical and safety issues associated with using his POV. Although 41 CFR 301-10.420(a)(1)(iii) (2012) permits use of a taxi from one's residence to the office on the day one departs "the official station on official TDY that requires at least one night's lodging," we do not decide the question posed by the claimant in this case because he did not incur the taxi expense and chose to abide by the agency's rejection of his request to use a taxi.

The jurisdiction-granting statute for our review of an employee claim for reimbursement of travel or relocation expenses, 31 U.S.C. § 3702(a)(3), provides that the Administrator of General Services (and the Board by delegation) shall settle “claims” involving “expenses incurred” by federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official duty station. A “claim” in this context is a demand for money, *Harry Berens*, CBCA 1714-TRAV, 10-1 BCA ¶ 34,440 (2009), and here Mr. Sutton did not incur the taxi expense and thus he has no demand for money.

Decision

Mr. Sutton is not seeking review of a decision denying a claim for reimbursement of travel costs. He submitted no claim to the agency because he never incurred the taxi costs. Accordingly, the claim is dismissed for lack of jurisdiction.

JONATHAN D. ZISCHKAU
Board Judge