



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

November 18, 2016

CBCA 5234-RELO

In the Matter of PETER G. KENT

Peter G. Kent, APO Area Europe, Claimant.

Gregory A. Hansel, Branch Chief, Civilian PDT Processing, Air Force Financial Services Center, Department of the Air Force, Ellsworth Air Force Base, SD, appearing for Department of Defense.

CHADWICK, Board Judge.

The claimant, Peter G. Kent, timely sought review of the United States Air Force's partial denial of reimbursement of travel expenses incident to his relocation to an appointment in Germany. The expenses at issue were for travel within the United States by three of his dependents. The Kent family formerly lived in Abilene, Texas. The dependents departed the United States in 2015 on a Government-hired aircraft from the Baltimore, Maryland, area. Their trip from Abilene to Baltimore had three legs. First, Mr. Kent and his family traveled by rental car approximately 400 miles from Abilene to the Houston (Texas) International Airport, where Mr. Kent and two family pets boarded a flight to Germany. Next, the three dependents flew from Houston to Portland, Oregon, visited family friends for a few days, then flew from Portland to Baltimore to board the government flight.

Mr. Kent's relocation order authorized reimbursement for his dependents' travel from Abilene to Baltimore, not to exceed the constructed cost of airfare totaling \$1549.80. When the Air Force received the voucher for that amount, however, it concluded that the dependents had traveled to Baltimore by "mixed mode" (partly by private vehicle and partly by common carrier), for which the Defense Department's Joint Travel Regulations (JTR) authorize reimbursement not exceeding the "monetary allowance in lieu of travel" rate, which in 2015 was twenty-three cents per mile. JTR 5016, 5530-A.1. As Baltimore is 1561 miles from Abilene, the Air Force paid Mr. Kent \$359.03.

Mr. Kent does not argue that the Air Force misapplied the JTR, only that he was never told that the drive to Houston could affect his reimbursement by changing his dependents' mode of travel, and that "[h]ad [he] known of such risk," his dependents "would surely have flown out of Abilene." The Board, however, must "base our decision on [the] actual circumstances," and cannot consider "how this dispute could have been avoided." *James H. Place*, CBCA 3751-TRAV, 15-1 BCA ¶ 35,903, at 175,510 (citing cases). Moreover, we see no basis to question the finding that Mr. Kent's dependents traveled to Baltimore by mixed mode. While we do not rule out the possibility that a traveler could reasonably choose to drive to a relatively distant airport without changing her travel mode, we also do not doubt that where, as here, the distance driven is hundreds of miles and more than one quarter of the distance to the authorized destination, the travel mode becomes mixed.

Decision

The claim is denied.

KYLE CHADWICK
Board Judge