



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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December 6, 2016

CBCA 5508-TRAV

In the Matter of CRAIG R. HATCH

Craig R. Hatch, Mansfield, TX, Claimant.

William Mills, Senior Adviser, Office of Chief Counsel, National Transportation Safety Board, Washington, DC, appearing for National Transportation Safety Board.

**CHADWICK**, Board Judge.

Craig R. Hatch attended an air show for the National Transportation Safety Board (NTSB) in July 2016. His travel orders authorized reimbursement of \$1037.36 for travel by common carrier. Mr. Hatch traveled by privately owned airplane instead. He then requested reimbursement of \$2070.86, the total amount of the travel authorization, which included estimated amounts for car travel to and from the airport, airfare, hotel lodging (which Mr. Hatch did not use because he camped at the event), per diem for meals and incidental expenses, and various fees. Mr. Hatch says he has attended this air show in four prior years, and that every other time, NTSB authorized commercial air travel with the understanding that he would fly his own plane, and then amended his authorization and reimbursed him for mileage in a privately owned vehicle (POV), up to the authorized commercial airfare, when he got back. This year, the POV mileage amount would exceed \$2100. Although the agency initially questioned Mr. Hatch's lodging expenses, only the reimbursement for transportation is in dispute. NTSB says Mr. Hatch is entitled to the authorized amount of \$1037.36. Mr. Hatch still seeks \$2070.86 and timely sought our review.

We review such claims based on the "actual circumstances" of the authorized travel 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). NTSB authorized

reimbursement for transportation not to exceed \$1037.36. Mr. Hatch argues that, based on past practice, he “had no reason to believe the POV method was not authorized,” despite what the authorization said. He also points out that, in response to his claim, “[t]he agency did not [explain] why the POV was not authorized.” None of this matters now. “If [an employee does] not travel by the method of transportation . . . authorized by [the] agency, any additional expenses . . . which exceed the cost of the authorized method of transportation will be borne by [the employee].” 41 CFR 301-10.6 (2015). Moreover, to the extent that Mr. Hatch seeks to be reimbursed for his private flights “up to the commercial cost comparison,” he is right, and he will be. The constructed cost of commercial air travel was \$1037.36, not the \$2070.86 authorized for the trip as a whole.

### Decision

The claim is denied.

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KYLE CHADWICK  
Board Judge