



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 31, 2017

CBCA 5844-TRAV

In the Matter of MARTIN C. KEHOE

Martin C. Kehoe, Boulder, CO, Claimant.

Adam Chandler, Employment and Labor Law Division, Office of the General Counsel, Department of Commerce, Washington, DC, appearing for Department of Commerce.

CHADWICK, Board Judge.

Martin C. Kehoe, an employee of the Department of Commerce, timely seeks review of the agency's refusal to reimburse him the \$35 fee for checking a second bag on a flight home from temporary duty at a conference. The agency properly denied the claim.

The agency authorized reimbursement for one checked bag per flight, which is the default under Federal Travel Regulation 301-12.2(d) (41 CFR 301-12.2(d) (2016)). An agency may reimburse a traveler for checking more than one bag "when the agency determines those fees necessary and in the interest of the Government." *Id.*; see *Trevor E. Strand*, CBCA 5406-TRAV, 17-1 BCA ¶ 36,712, at 178,764. The time to seek and make such determinations is "prior to commencing travel." *Thomas L. North*, CBCA 5442-TRAV, 16-1 BCA ¶ 36,531, at 177,949 (regarding rental car upgrade); see *Strand*, 17-1 BCA at 178,674.

Mr. Kehoe offers several reasons why he carried two suitcases to the conference and back. (The airline on which he traveled to the conference did not charge him a baggage fee.) All of the reasons either were avoidable or could have been foreseen before he traveled. Mr. Kehoe explains that he realized the weekend before he had to leave very early on Monday for the conference that he did not know the "dress code," and that, for health reasons, he needs to exercise regularly. As a result, he says, he "ended up packing two bags which could hold casual wear, suits, ties, shoes, a notebook laptop, and workout attire." He also suggests reasons related to his professional duties why he did not wish to carry luggage

onto the aircraft. These circumstances could either have been avoided with better planning, or cited in a request for prior agency authorization to check a second bag on this trip. They are not grounds for reimbursing Mr. Kehoe for the fee for checking the unauthorized bag.

Decision

The claim is denied.

KYLE CHADWICK
Board Judge