



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 11, 2017

CBCA 5742-TRAV

In the Matter of LAUREN L. PRIEUR

Lauren L. Prieur, New Orleans, LA, Claimant.

Anne M. Schmitt-Shoemaker, Deputy Director, Finance Center, United States Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

HYATT, Board Judge.

Lauren L. Prieur, a civilian employee of the United States Army Corps of Engineers (Army), was sent on an extended temporary duty (TDY) assignment from her permanent duty station (PDS) in Dallas, Texas, to Washington, D.C., from March 20 through June 30, 2016. She has requested the Board's review of the Army's establishment of a debt in the amount of airfare she was paid for a trip home that she took to a location other than Dallas.

Background

Ms. Prieur's travel orders authorized a trip home during the TDY period. With the approval of her supervisor, Ms. Prieur traveled to New Orleans, to visit family over the Memorial Day holiday weekend. The airfare for this trip was less expensive than returning to Dallas would have been. Following an audit of claimant's travel voucher, the Army informed Ms. Prieur that travel to an alternate location at government expense was not permitted under the applicable regulations and established a debt of \$563.24, the amount of the airfare in question, adjusted by per diem amounts to which claimant would have been entitled had she remained at the TDY location.

In questioning this action, Ms. Prieur explained that she had obtained quotes from the travel management office for round trip flights from Washington, D.C., to both Dallas and New Orleans, and the flight to New Orleans was less expensive. She discussed her plans with her office prior to booking and the travel approving official authorized the flight to New

Orleans, although, due to an apparent administrative error, the orders were not amended by that official.

Discussion

The rules governing this matter are set forth in the Federal Travel Regulation (FTR) and the Joint Travel Regulations (JTR), which implement and supplement the provisions of the FTR for civilian employees of the Defense Department. In this case the FTR provides:

Your agency may authorize per diem or actual expenses and round-trip transportation expenses for periodic return travel on non-workdays to your home or official station . . . [when p]eriodic return travel home is justified incident to an extended TDY assignment.

41 CFR 301-11.23 (2016). The comparable provision of the JTR expressly proscribes reimbursement of transportation expenses for an employee on extended TDY who travels to a location other than the PDS. JTR 4445-A. The Board has applied these regulations in decisions holding that agencies may not reimburse airfare costs to alternate locations when return travel is undertaken in the course of an extended TDY assignment. *Valentina Caperton*, CBCA 2933-TRAV, 13 BCA ¶ 35,218; *Bradley P. Bugger*, CBCA 555-TRAV, 07-1 BCA ¶ 33,579.

In this case, the travel official who apparently approved Ms. Prieur's plans, on the basis that the travel was less expensive, had no authority to agree to reimburse the cost of travel to New Orleans instead of Dallas. Thus, even if the orders had been amended, the Army would still not be able to pay the transportation expense in question. As we stated in *Bugger*:

Only expenses authorized by statute or regulation may be reimbursed, because allowing an agency to make a payment in the absence of such authority would violate the Appropriations Clause of the Constitution. The Supreme Court consequently has made clear that an executive branch employee's promise that the Government will make an "extrastatutory" payment is not binding. *Office of Personnel Management v. Richmond*, 496 U.S. 414 (1990); *Federal Crop Insurance Corp. v. Merrill*, 332 U.S. 380 (1947); see *Bruce Hidaka-Gordon*, GSBCA 16811-RELO, 06-1 BCA ¶ 33,255; *Teresa M. Erickson*, GSBCA 15210-RELO, 00-1 BCA ¶ 30,900.

07-1 BCA at 166,342; accord *Caperton*, 13 BCA at 172,804.

To conclude, although Ms. Prieur may have been misled by her well-meaning travel authorizing official, the Army has properly determined that the airfare should not have been reimbursed.

Decision

The claim is denied.

CATHERINE B. HYATT
Board Judge