



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 9, 2018

CBCA 5785-RELO

In the Matter of WILLIAM T. NASH

William T. Nash, Hyderabad, India, Claimant.

Bernadette L Rodas, Bureau of the Comptroller and Global Financial Services, Department of State, Manila, Philippines, appearing for Department of State.

BEARDSLEY, Board Judge.

Claimant, William T. Nash, who is serving the Department of State (the agency) as Vice Consul in Hyderabad, India, seeks reimbursement of \$760 for expenses he incurred as a result of his permanent change of station (PCS) travel. We deny the claim.

Factual Background

On May 19, 2017, claimant and his spouse traveled from Washington, D.C., to Hyderabad, India, pursuant to permanent change of station (PCS) orders. Claimant's orders authorized an extended economy seating allowance of \$300 per person. The trip exceeded eight hours of flight time and consisted of two flights — the leg from Washington, D.C., to London, United Kingdom, and the leg from London, United Kingdom, to Hyderabad, India — operated by British Airways (BA). At the ticket counter in Washington, D.C., claimant purchased upgraded seats in the World Traveler Plus section of the airplane at a cost of \$380. Realizing at the gate that the upgraded seats were located in different rows, claimant and his spouse chose to sit next to each other further back in the aircraft. New boarding passes were issued at the gate for what claimant was told were the "best tickets available with extra legroom." Claimant and his wife, however, left both gate-issued boarding passes on the plane, and claimant provides no other detail regarding the location of the seats in which he and his wife actually sat or whether the seats had extra legroom, were in an exit row, or had some other upgrade. Upon inquiry by claimant after the flight, BA issued a letter on May 24,

2017, stating that claimant “upgraded [his] class of travel and we collected \$380.00 upgrade fee on document number 125-822479077.” On June 22, 2017, BA wrote that claimant “upgraded to World Traveler and we collected \$380.00 upgrade fee on document number 125-822479077.” In each letter, BA made the same statements for claimant’s wife but cited “document number 125-8224790778.” The World Traveler section of the aircraft is BA’s economy class section, and upgrades for extra legroom within the World Traveler section start at \$75.

The agency denied the upgrade cost due to its inability to verify the couple’s seat location on the aircraft or to verify the cost to sit in the seats in which claimant and his wife actually sat on the aircraft. Claimant then appealed the denial to this Board.

Discussion

State Department employees and their family members on official travel are subject to the provisions of the Department of State Foreign Affairs Manual (FAM). 14 FAM 511.2-1; *see David C. Turnbull*, CBCA 5686-RELO, 17-1 BCA ¶ 36,864. The FAM states that “it is the general policy of the U.S. Government that less-than-premium-class accommodations must be used for all modes of passenger transportation.” 14 FAM 561.1. One exception to this general rule permits official travel in extended economy seating (EES) at government expense when: 1) EES is pre-authorized, 2) the upgrade amount does not exceed the allowable reimbursement of \$300 per person, 3) the benefit is used for direct travel, and 4) the use is justified by one of several permissible reasons, such as medical disability, security, agency mission, and use of frequent traveler benefits. 14 FAM 567.2-6.

Although claimant’s travel orders authorized extended economy seating up to \$300 per person, claimant has not provided us with clear evidence that he and his wife actually sat in upgraded seats or of what those seats cost. Claimant relies on BA’s statements to support his claim that he and his wife were upgraded to or within the World Traveler section of the aircraft at a cost of \$380 per seat. BA’s statements do not substantiate the claim. It seems unlikely that claimant and his wife were “upgraded” to the economy class section of the aircraft or that an upgrade within the economy class seating area cost \$380. “All receipts for extended economy seating (14 FAM 567.2-6) are required regardless of the amount.” 14 FAM 517.3 Without receipts or boarding passes to verify extended economy seating and the costs of such seating, the claim must be denied.

State Department employees on official travel “are expected to make a conscientious effort to minimize the costs of official travel and to assume costs of a personal nature and any additional expenses incurred for personal convenience.” 14 FAM 513. This Board has observed a fundamental, overarching principle that employees who travel on official business

“must exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.” *Carleton Bulkin*, CBCA 1511-TRAV, 09-2 BCA ¶ 34,143, at 168,788 (citing 41 CFR 301-2.3 (2006)); *see also Jeffrey M. Downing*, CBCA 5032-RELO, 16-1 BCA ¶ 36,221; *Mark Hunter*, CBCA 3852-TRAV, 14-1 BCA ¶ 35,654; *Radhika Patole*, CBCA 770-TRAV, 07-2 BCA ¶ 33,648.

Claimant did not act prudently or make an effort to minimize the costs of travel. For personal reasons, claimant and his wife did not sit in the two upgraded seats in the World Traveler’s Plus section of the aircraft for which they paid \$380 each. A prudent traveler on personal business would have sought a refund of the difference between the \$380 upgrade cost and the cost, if any, of the seats in which they actually sat. There is no evidence that claimant sought such a refund. We find that claimant failed to exercise prudence, to minimize travel costs, and to substantiate his claimed costs.

Decision

The claim is denied.

ERICA S. BEARDSLEY
Board Judge