



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 4, 2018

CBCA 6258-TRAV

In the Matter of WILBUR P. WRIGHT

Wilbur P. Wright, Winchester, VA, Claimant.

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

GOODMAN, Board Judge.

Claimant, Wilbur P. Wright, a civilian employee of the Department of the Army (the agency), seeks review of the agency's denial of additional reimbursement for per diem lodging expenses and meal and incidental expenses (M&IE) incurred during annual leave while he was on temporary duty (TDY) in Europe.

Background

On February 15, 2018, the agency issued TDY travel orders to claimant for the period of February 25 through May 23, 2018, for travel from Washington, D.C., for deployment to Wiesbaden, Germany. During his TDY, claimant took annual leave from April 11 through April 20, 2018.

Claimant's travel orders authorized reimbursement of retained lodging expenses during his period of annual leave. Claimant only incurred retained lodging costs for six days, and claimant was reimbursed for the actual cost of his retained lodging, $\$57.35 \times 6 \text{ days} = \344.10 . Claimant contends that instead of calculating his retained lodging by the actual cost of actual days incurred, he is entitled to an additional \$1100.40, calculated as follows: $\$160.50$ [per diem rate] $\times 9 \text{ days} = \$1444.50 - 344.10$ [amount already reimbursed] = $\$1100.40$. Claimant seeks reimbursement of M&IE for the nine days of annual leave,

calculated as follows: $\$87 \times 9 \text{ days} = \783 . Therefore, claimant seeks an additional total reimbursement of \$1883.40. ($\1100.40 [long term lodging per diem] + $\$783$ [M&IE]).

Discussion

The agency correctly reimbursed claimant for the actual costs of retained lodging incurred during his annual leave. The Joint Travel Regulations (JTR), applicable to civilian employees of the Department of Defense, reads in relevant part: “[E]xpenses for retained lodging (actual cost) during an authorized absence may be reimbursed as a miscellaneous expense, limited to the lodging portion of the flat-rate per diem allowance, and receipts are required.” JTR 020311-C. Claimant incorrectly interprets the limitation in the regulation as an entitlement to the flat-rate per diem allowance, regardless of actual expenses incurred. The agency also correctly denied claimant’s claim for additional M&IE, as there is no statutory or regulatory basis to pay an employee M&IE while on annual leave.

Decision

Claimant is not entitled to additional reimbursement.

Allan H. Goodman

ALLAN H. GOODMAN

Board Judge