



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

November 5, 2018

CBCA 6212-TRAV

In the Matter of ANDLEN L. ROHWEDDER

Andlen L. Rohwedder, APO Area Pacific, Claimant.

Holly Kay Botes, Associate General Counsel, Department of Defense Education Activity Pacific, Department of Defense, APO Area Pacific, appearing for Department of Defense.

SHERIDAN, Board Judge.

Claimant, Andlen L. Rohwedder, is an instructional systems specialist working for the Department of Defense Education Activity (DoDEA) Pacific South District Office in Okinawa, Japan.

On April 10, 2018, claimant's spouse received a diagnosis of a serious medical condition from the United States Naval Hospital Okinawa. His physician recommended he seek medical treatment in the United States. Claimant contends she told her supervisor, the Okinawa Community Superintendent (OCS), of her spouse's diagnosis on April 12, 2018, and asked about the possibility of medical travel or Emergency Visitation Travel (EVT). Claimant contends that the OCS told her that a medical travel program did not exist and that EVT was not appropriate for her situation.¹ The OCS did not direct claimant to an appropriate official to address medical travel.

The OCS is not the approving official (AO) for medical travel in the Pacific Region. The AO for medical travel is the Pacific Region Office Director. The processing and management of requests for medical travel are handled by an investigator in the Pacific

¹ The OCS contends that he told claimant that he did not know what types of travel were available.

Region Office. Travel orders are issued by the Resource Management Chief, Pacific Region Office.

On April 27, 2018, claimant's spouse departed the permanent duty station (PDS) for medical treatment in Omaha, Nebraska, where he had an initial appointment on April 30, 2018. Claimant did not contact Resource Management, Human Resources, or anyone else in the Pacific Region Office before her spouse traveled to the United States.

On May 4, 2018, claimant requested leave from June 8 thru July 5, 2018. The OCS approved her leave request. Some time later, claimant learned about the possible existence of medical travel benefits and asked the OCS how to complete the process. The OCS called the Pacific Region Office. The Resource Management Chief forwarded a document packet to request medical travel authorization to the OCS, who, in turn, forwarded the packet to claimant on June 5, 2018. The OCS told claimant to submit the required information to the Resource Management Chief.

Claimant and her two children departed the PDS for the United States on June 7, 2018, without having submitted the request for medical travel and authorization.

Claimant submitted a request for employee and dependent medical travel authorization to the Resource Management Chief on or about June 16, 2018. In addition to seeking reimbursement for her spouse, claimant sought reimbursement of her non-concurrent travel as the attendant, and travel for her two accompanying minor dependents due to lack of suitable care arrangements at the PDS.

It appears that claimant and the children returned to the PDS on or about August 8, 2018, with her spouse remaining in the United States until an unknown time in September.

On July 2, 2018, the Pacific Region Office investigator informed claimant that the agency had denied her request for employee and dependent medical travel authorization, stating, "[t]he JTR [Joint Travel Regulations]^[2] [do not] allow retroactive approval for medical travel except in an emergency situation and even then that requires verbal authorization from the Approving Official before proceeding." The AO determined that in reviewing the information claimant submitted, "there were no urgent or unusual circumstances that prevented issuance of travel orders prior to travel."

² The JTR apply to claimant as a DoD civilian employee. All references to the JTR refer to the April 1, 2018, version, which was in effect on the date claimant's spouse commenced travel.

Discussion

The Federal Travel Regulation (FTR), which governs travel and relocation matters for civilian employees of the Government, sets forth the basic requirements for official travel:

§ 301-2.1 Must I have authorization to travel?

Yes, generally you must have written or electronic authorization prior to incurring any travel expense. If it is not practicable or possible to obtain such authorization prior to travel, your agency may approve a specific authorization for reimbursement of travel expenses after travel is completed.

41 CFR 301-2.1 (2017).

Regarding medical travel for a civilian employee or dependent stationed outside the continental United States (OCONUS), the JTR provides that “[a]n eligible civilian employee assigned to a foreign PDS OCONUS, or the civilian employee’s dependent, may be authorized travel and transportation to another location when the local medical facilities (military or civilian) cannot accommodate his or her medical or dental needs.” JTR 033102(A).

The JTR indicates that travel authorization should be issued before travel begins, unless an unusual or urgent situation exists,

Travel and transportation allowances are payable only after valid orders are issued A travel authorization or order should be issued before travel begins. Travel or expenses incurred before a travel authorization or order is issued are not reimbursable, unless otherwise stated in the JTR. In unusual or urgent situations when travel must begin before a written authorization or order can be issued, a verbal authorization may be given. In such cases, the verbal authorization must be followed up in writing (called a “confirmatory order”) before allowances are paid.

JTR 010206. Further, the JTR provides,

If the JTR indicates an expense, allowance, or other item must or may be authorized (such as the mode of transportation), it means the AO must give permission before the action takes place. Likewise, if the JTR indicates “may or must be approved,” then the AO may or must give the traveler permission after the action takes place.

JTR 010201-B.

In the case of medical travel for a civilian employee or dependent stationed OCONUS, the JTR indicates that travel “may be authorized.” JTR 033102-A. This means “the AO must give permission before the action takes place.” JTR 010201-B. Here, none of the travelers had authorization to travel before travel began. Claimant did not submit a request for travel authorization prior to her family’s departures, and claimant has not demonstrated urgent or unusual circumstances that prevented issuance of prior to departure travel orders.

Claimant alleges that her failure to submit a request for travel authorization was the result of the OCS, her supervisor, providing her with inaccurate information regarding medical travel. We find that claimant did not reasonably attempt to determine her rights regarding timely medical travel authorization.

In a recent decision, *Patrick M. Cotton*, CBCA 6230-TRAV, slip op. at 1 (Sept. 28, 2018), we held that “[a]n employee is not entitled to reimbursement for temporary duty travel and expenses when authorization is lacking.”

Claimant traveled without authorization and contrary to express FTR and JTR provisions. In assessing claimant’s failure to obtain authorization, we conclude that the agency reasonably determined that “there were no urgent or unusual circumstances that prevented issuance of travel orders prior to travel.” The agency acted within its discretion in refusing to retroactively issue travel authorizations. We need not address other arguments made by claimant.

Decision

The claim is denied.

Patricia J. Sheridan
PATRICIA J. SHERIDAN
Board Judge