



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

September 21, 2018

CBCA 6227-TRAV

In the Matter of NICOLETTE COX

Nicolette Cox, Live Oak, TX, Claimant.

Connie J. Rabel, Director, Travel Mission Area, Enterprise Solutions and Standards, Defense Finance and Accounting Service, Indianapolis, IN, appearing for Department of Defense.

SULLIVAN, Board Judge.

Claimant, Nicolette Cox, appeals the denial of her claim for reimbursement for mileage costs incurred while on temporary duty (TDY) at Fort Hood. The agency has reimbursed Ms. Cox her mileage costs incurred traveling to and from Fort Hood, but Ms. Cox seeks reimbursement for additional miles she traveled in and around Fort Hood while on TDY. We deny the claim.

Background

In April 2018, Ms. Cox traveled from Live Oak, Texas, to Fort Hood, Texas, using her personally owned vehicle (POV). Prior to her TDY travel, agency personnel informed Ms. Cox that reimbursement of mileage costs for travel in and around the temporary duty site (“in and around travel”) is not a requirement, but the authorizing official may approve it if it exceeds the traveler’s normal commuting distance. The agency did not authorize reimbursement of in and around travel but offered to authorize her use of a rental car. Ms. Cox declined this offer and proceeded to use her POV for TDY travel. Ms. Cox traveled an additional fifty miles from her hotel to her duty site and to dining locations. Ms. Cox seeks \$27.25 for these additional miles.

Discussion

A federal employee may use a POV for official government travel when authorized by the agency. 41 CFR 301-10.300 (2017). The Joint Travel Regulations (JTR) for the Department of Defense further provide that an agency may reimburse an employee for travel in and around the temporary duty site:

Travel in and around the TDY Location

A. Travel Locations. Transportation expense reimbursement in the TDY area may be authorized or approved for travel between:

1. Lodging and duty site.
2. Duty sites.
3. Lodging or duty site and dining facility.

....

C. Meals or Lodging Unavailable at Duty Site

1. The AO may authorize travel reimbursement to a traveler for:
 - a. Daily round trips between lodging and duty site when suitable lodging is not available at the duty site.
 - b. Trips to dining establishments when suitable dining establishments are not available near the lodging or duty site.

JTR 020212. The Defense Finance and Accounting Service denied Ms. Cox's claim because the agency had not authorized the reimbursement of in and around travel on her travel orders.

The agency declined to authorize reimbursement of in and around mileage costs because there were dining facilities at Ms. Cox's hotel and within walking distance of Ms. Cox's temporary duty site. An agency may properly deny reimbursement of travel costs if dining facilities are available nearby. See *Victoria Davis*, GSBICA 16331-TRAV, 04-1 BCA ¶ 32,624 (citing *David Wheeler*, GSBICA 14842-TRAV, 99-1 BCA ¶ 30,290).

Ms. Cox had to travel five miles from her hotel to her temporary duty site at Ft. Hood, a distance less than her normal commuting distance. Agency officials have the discretion to decline to authorize reimbursement for travel expenses if no additional travel costs are incurred after deducting the claimant's normal commuting expenses. *See Edgardo L. Delgado*, GSBCA 15285-TRAV, 01-1 BCA ¶ 31,272, at 154,460 (citing *Inspector General, Department of Veteran's Affairs*, B-270403 (Sept. 11, 1996)).

Ms. Cox argues that she should be reimbursed her mileage costs for in and around travel because this travel was necessary for her TDY and these costs are allowable, pursuant to the relevant JTR provision. This provision provides that an agency may authorize the reimbursement of these expenses, a grant of discretionary authority. JTR 020212-C.1. Because we find that the agency's decision was not arbitrary, capricious, or clearly erroneous, we decline to overturn it. *See Brian J. Ebel*, CBCA 4357-TRAV, 15-1 BCA ¶ 36,037, at 176,019 (citing *William T. Orders*, GSBCA 16095-RELO, 03-2 BCA ¶ 32,389).

Decision

The claim is denied.

Marian E. Sullivan

MARIAN E. SULLIVAN
Board Judge