



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

September 28, 2018

CBCA 6230-TRAV

In the Matter of PATRICK M. COTTON

Patrick M. Cotton, Washington, DC, Claimant.

David A. Breslin, Director, Hull, Deck, and Auxiliary Systems Division, Headquarters, Naval Sea Systems Command, Department of the Navy, Washington, DC, appearing for Department of the Navy.

VERGILIO, Board Judge.

An employee is not entitled to reimbursement for temporary duty travel and expenses when authorization is lacking.

In July 2018, the claimant, Patrick M. Cotton, sought approval of travel orders for a temporary duty assignment for the period July 24-26. The claimant did not receive approval; instead, he received an explicit denial of the request. The claimant traveled to the training session, believing that the denial of the orders was in error. On July 25, the claimant again sought approval. An agency official indicated what was needed for approval. However, upon receipt of additional information, the official denied the request on July 25, as the claimant acknowledged. The claimant submitted further information, and the official responded indicated what further was required for him to approve the travel orders, and what would not be adequate justification. No authorization was provided. The claimant seeks to recover temporary duty payments (mileage and per diem) for the trip.

“Travel and transportation allowances are payable only after valid orders are issued. . . . Travel or expenses incurred before a travel authorization or order is issued are not reimbursable, unless otherwise stated in the JTR.” Joint Travel Regulations (JTR) 010206. Exceptions permit a verbal authorization. The agency states that its written operating procedures provide: “Under no circumstances is a traveler to go on travel without approved travel orders in DTS [Defense Transportation System]. It is the traveler’s responsibility to ensure their travel orders are approved in DTS prior to departure.”

The claimant has identified no basis of entitlement to the reimbursement sought. The claimant lacked authorization at the time travel began and during the entire travel period, and never received authorization or approval. The claimant misconstrues the correspondence of July 25; the claimant did not receive approval or authorization for temporary duty travel. This claimant traveled and pursued this claim, despite the lack of travel orders and explicit agency determinations that the requests for temporary duty travel were denied. Under the regulations, an employee cannot create his/her own travel order or create entitlement to recover expenses incurred. An employee is not endowed with authority to obligate government funds by embarking upon what the employee contends is appropriate temporary duty travel when orders or authorization are lacking.

The claimant does not recover for the unauthorized travel and related expenses.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge