



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 17, 2019

CBCA 6355-TRAV

In the Matter of PAUL A. MONDERER

Paul A. Monderer, Annandale, VA, Claimant.

Kevin R. Harber, Office of General Counsel, Small Business Administration, Washington, DC, appearing for Small Business Administration.

BEARDSLEY, Board Judge.

Claimant, Paul A. Monderer, requests reimbursement in the amount of \$809.95 in mileage costs for commuting by personally-owned vehicle from his home to his place of work during the months of November and December 2017.

Claimant worked as a temporary employee at the Small Business Administration (SBA), Office of Disaster Assistance (ODA), from November 13, 2017, to January 9, 2018. On November 21, 2018, claimant submitted his claim for \$70.29 in commuting costs for 43.8 miles traveled each day to and from his home in Annandale, Virginia to the training location in Herndon, Virginia. This travel occurred each day from November 13-15, 2017. He also claimed \$739.66 for commuting costs for the 44.6 miles traveled to and from his home in Annandale to his duty station at the ODA facility in Herndon for thirty-one days in November and December 2017. The agency denied his claim because claimant failed to file his voucher within ninety days of incurring the costs as required by the standard operating procedures that govern official travel by SBA employees. The agency also asserts that claimant is not entitled to the commuting costs even had he timely filed his voucher. We agree that claimant is not entitled to the commuting costs.

“[B]ecause an employee’s daily commute between his home and his office is personal, not official government business, agencies may not reimburse an employee for mileage

expenses incurred when commuting.” *Orlando Sutton*, CBCA 2781-TRAV, 12-2 BCA ¶ 35,072 (citing *Jerry R. Teter*, GSBCA 15292-TRAV, 00-2 BCA ¶ 30,957). ODA was claimant’s duty station. Claimant, therefore, cannot be reimbursed for his commuting costs for the thirty-one days he drove to and from the ODA facility in Herndon.

“When an employee travels to a location within the local travel area other than his or her permanent duty station, that employee may be reimbursed all travel costs incurred that day, minus the usual commuting expenses.” *Donald C. Barnes*, CBCA 4089-TRAV, 15-1 BCA ¶ 35,985 (quoting *Kenneth R. Chaney*, CBCA 3220-TRAV, 13 BCA ¶ 35,304). With regard to the commuting costs for the three days of training in Herndon, claimant could be reimbursed for these travel costs to the extent that the distance exceeded his usual commuting distance. In this case, the drive to and from the training location from his home was .8 miles shorter than his commute to the ODA facility. Claimant is, therefore, not entitled to reimbursement for these mileage costs.

Claimant argues that he received incorrect advice causing him to miss the ninety-day window in which he was required to file his claim. Given that claimant was not entitled to mileage costs, he was not given erroneous advice that caused denial of his claim. Even so, “erroneous advice by government employees forms no basis for us to grant relief to a claimant. Only expenses that are authorized by statute and regulations may be reimbursed.” *Eugene Andruchowicz*, CBCA 3022-RELO, 13 BCA ¶ 35,200 (2012) (citing *Terry L. Patrick*, CBCA 1200-RELO, 08-2 BCA ¶ 33,978).

Erica S. Beardsley

ERICA S. BEARDSLEY

Board Judge