



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 19, 2019

CBCA 6348-TRAV

In the Matter of ROBERT L. SCHIEFFER

Robert L. Schieffer, Wheat Ridge, CO, Claimant.

Benjamin Clancy, Attorney-Advisor, United States Army Garrison, Kwajalein Atoll, Department of the Army, APO Area Pacific, appearing for Department of the Army.

SULLIVAN, Board Judge.

Claimant, Robert L. Schieffer, seeks reimbursement of expenses that he incurred when he traveled with his wife to obtain medical treatment that his wife could not obtain at or near his duty station. The agency, Department of the Army, denied Mr. Schieffer's request for reimbursement because he had not obtained the necessary authorization prior to undertaking the travel. We deny the claim.

Background

Mr. Schieffer held a civilian position with the Army on Kwajalein Atoll when, in January 2018, his wife began to suffer with a debilitating medical condition. After several visits with doctors on the post, Mr. Schieffer requested that he be authorized medical travel so that he could take his wife to the Mayo Clinic, Rochester, Minnesota, or to Honolulu, Hawaii. In February 2018, the post hospital committee charged with making recommendations for off-post medical treatment and medical travel did not approve Mr. Schieffer's request.

In April 2018, Mr. Schieffer scheduled an appointment for his wife to be seen at the Mayo Clinic, and he and his wife traveled there at their own expense without authorization.

It does not appear that Mr. Scheiffer attempted to obtain the authorization for the travel after scheduling this appointment or while at the Mayo Clinic.

With the use of medical equipment not available on Kwajalein Atoll, Mr. Schieffer's wife received a diagnosis of her condition. After forty-two days of evaluation and treatment, Mr. Schieffer left the Mayo Clinic with his wife to travel to Arkansas, where his wife remained with family and Mr. Schieffer returned to Kwajalein Atoll.

In June 2018, Mr. Schieffer submitted an administrative grievance, seeking reimbursement of \$10,152.99 for medical travel expenses he had incurred. The deputy post commander denied the request because the Army had identified no authority pursuant to which it could reimburse these expenses.

Discussion

The agency does not dispute that Mr. Schieffer's wife required medical treatment that was unavailable on Kwajalein Atoll. Instead, the dispute lies in Mr. Scheiffer's failure to obtain necessary authorization prior to undertaking the medical travel.

The Joint Travel Regulations (JTR), to which Mr. Schieffer as a civilian Department of Defense employee is subject, provide that a civilian employee or the dependent of a civilian employee "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. A civilian employee may travel with a dependent on medical travel if the dependent is physically incapable of traveling alone. JTR 033102-B.4, -C.1.a. The civilian employee must travel under a temporary duty order. JTR 033102-C.1.a.

A civilian employee cannot obtain reimbursement without the necessary authorization. "Travel and transportation allowances are payable only after valid orders are issued." JTR 010206. The JTR allows for verbal authorization when an "unusual or urgent situation[]" arises, but a "verbal authorization must be followed up in writing . . . before allowances are paid." *Id.*

Mr. Schieffer details his understandable frustration with the post medical personnel and his inability to obtain a medical travel authorization before he scheduled the appointment at the Mayo Clinic for his wife. However, it appears that he did nothing after he scheduled that appointment to obtain the necessary authorization. His failure to obtain the necessary authorization precludes recovery of his claim. *Andlen L. Rohwedder*, CBCA 6212-TRAV, 18-1 BCA ¶ 37,187, at 181,000.

Decision

The claim is denied.

Marian E. Sullivan
MARIAN E. SULLIVAN
Board Judge