



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 1, 2019

CBCA 6353-TRAV

In the Matter of TANYA L. GOGUE

Tanya L. Gogue, APO Area Europe, Claimant.

Ray Bartholomew, Lead Business Finance Manager, Office of Naval Research Global, Department of the Navy, Arlington, VA, appearing for Department of the Navy.

VERGILIO, Board Judge.

The claimant is not entitled to payment for premium car services from a transportation network company (TNC) for travel each way between airport and hotel, when reasonable lesser levels of service would have been less costly.

The claimant, Tanya L. Gogue, as a civilian employee of the Department of the Navy, was on temporary duty travel in September 2018. She opted to utilize a premium TNC from the airport to a hotel, and for the return. The trip from the airport involved two other agency employees, going to nearby hotels; the trip to the airport was for the claimant. She claims \$110.16 for the first trip and \$82.93 for the second trip. The agency has paid \$56.71 for each trip, based upon what it concluded was the constructive taxi fare.

In defining the term transportation network company (TNC), the applicable Federal Travel Regulation (FTR) specifies: "Federal employees are expected to . . . choose the most cost effective level of service." 41 CFR 300-3.1 (2018). The Joint Travel Regulations (JTR) and agency policies must be read in light of the FTR. Thus, guidance to select the most cost effective level of service instructs the responsible, prudent traveler (from the JTR) who is to avoid the perception of misuse of government travel resources (from agency policies) to consider cost in selecting a TNC level of service.

The claimant bears the burden of proof to substantiate a claim. The agency determined various fares (TNC, of multiple levels of service, and taxi) that could be charged at the time when reviewing the claim. This use of available information was reasonable. The claimant provided a taxi estimate with a greater cost than the agency's figure, but without specifics as to when it was calculated, or if a comparison was made for use of a taxi or TNC of a lesser level of service when actually traveling in each direction.

The claimant asserts, without proof, that the "trips are almost always under the \$75 limit for receipts and competitively priced with taxi service rates." The need or not for receipts is not a determinative factor. A traveler is to choose the most cost effective service, if utilizing a TNC. Similarly, the projected savings on the trip from the airport to three hotels, when three individuals traveled together, as opposed to traveling singly, is not a factor, given that a more cost effective level of service could have been utilized.

That the agency may have paid prior travel vouchers (of the claimant or others within the office), for use of a premium service, knowingly or unknowingly, does not alter the outcome here. Consistent with regulation, the agency determined that the premium service was not appropriate. Travel from the airport to hotels for three travelers could have been accomplished reasonably for less. The same is true for the travel of just the claimant from a hotel to the airport. The claimant's rationale to utilize a premium service and expend more than reasonably necessary is not what a prudent person would do and not what the policies dictate for reimbursement of government expenses. The claimant did not utilize the most cost effective level of service, and bears the expense that is greater than what is permitted.

The claimant is not entitled to additional reimbursement in connection with her TDY assignment.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge