



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 22, 2020

CBCA 6782-TRAV

In the Matter of FRANK P.

Frank P., Claimant.

Teresa L. Weaver, Chief, Finance Division, Bureau of Safety and Environmental Enforcement, Department of the Interior, Sterling, VA, appearing for Department of the Interior.

ZISCHKAU, Board Judge.

Claimant challenges the Department of the Interior's (agency) decision to deny reimbursement for costs associated with temporary duty (TDY) travel in December 2019. Because claimant's travel authorization was not approved through administrative error, the travel costs were reasonable, and the authorizing officials would approve the authorization now, we grant the claim.

Background

Claimant traveled from Falmouth, Maine—through Tacoma, Washington—to Denver, Colorado, to attend meetings in his official capacity as a government employee. The total duration of this travel was from December 1 to December 6, 2019, and he is seeking a total of \$1861.86 in reimbursement. On November 15, 2019, he prepared a travel authorization (TA) request that his supervisor approved three days later, on November 18. The TA was properly created by an administrative assistant within the appropriate online government travel services provider, ConcurGov (Concur). Based on his conversation with the administrative assistant who created his initial TA, and his printed itinerary showing his travel as confirmed, claimant thought that his TA was approved by November 21, 2019. This initial TA called for him to fly out of the Portland International Jetport (PWM) airport on

December 2, 2019, but an office administrator instructed him to change his departure airport to Boston Logan Airport.

Unbeknownst to claimant, the TA remained unprocessed until November 26, when the office administrator and the office budget manager signed the revised TA with the departure from the new airport, but it was never finally authorized in Concur by his supervisor or stamped as approved within the system because the supervisor was on leave. On November 27, 28, and 29, Concur sent emails to claimant and the authorizing supervisor advising that the TA authorization had not been completed, but no one saw these emails due to being on leave for the Thanksgiving holiday. On November 30, Concur sent claimant an email informing him the TA was cancelled. Neither he nor his supervisor saw this email again because of the Thanksgiving holiday. On the morning of December 1, 2019, fearing snow-induced flight cancellations might create a problem with his departure on December 2, claimant called Concur to change his departure from December 2, to later that afternoon on December 1.

After making this change, claimant checked his email for the first time since the Thanksgiving holiday and saw the emails from Concur alerting him of problems with his TA. He was confused about the emails and thought that the emails might have related to the initial TA that had been revised at the request of the administrative officer. He attempted to call his supervisor but she was unavailable, so he attempted to call his supervisor's supervisor, but he was also unavailable. Still assuming his travel was properly authorized, he left for the airport. Upon arrival at the airport, the ticketing agent informed him that his ticket was not approved. He then called a Concur representative who told him she could approve the ticket but that he would need to seek final approval of his TA from his supervisors. Otherwise, she informed him, he could be out of pocket for the expense. The agency finance representative who later denied his voucher asserts that this ticket was an atypical, after-the-fact, authorization of travel that "remains unapproved." The issuance of the ticket created a new TA in the system that could not be processed by the agency staff or his supervisor. On the evening of December 1, after claimant arrived in Tacoma, his supervisor tried to approve the new TA in Concur but was unable to do so. She stated that she would approve it if she was able to do so. The record includes statements from the office administrator who had initially made the TA, his direct supervisor, and the regional supervisor. These statements show their approval of claimant making the trip, that claimant should be reimbursed for the expenses he incurred, that they would now approve the TA, and that the lack of final approval of the TA was the result of circumstances outside of claimant's control.

Discussion

The Federal Travel Regulation (FTR) at 41 CFR 301-2.1 (2019) provides:

Must I have authorization to travel?

Yes, generally you must have written or electronic authorization prior to incurring any travel expense. If it is not practicable or possible to obtain such authorization prior to travel, your agency may approve a specific authorization for reimbursement of travel expenses after travel is completed. However, written or electronic advance authorization is required for items in § 301-2.5(c), (i), (n), and (o).

This FTR section expressly allows for agencies to “approve a specific authorization for reimbursement of travel expense after travel is completed” when “it is not practicable or possible [for a traveler] to obtain such authorization prior to travel.” 41 CFR 301-2.1. Due to a shortage of administrative staff, claimant’s revised TA was not given the first level approvals until November 26, and his supervisor and supervisor’s supervisor were on leave on November 27 through December 1 and were unaware that the revised TA needed a final approval from one of them. His supervisor attempted to approve the new TA on the evening of December 1, but the system would not allow her to approve it. Both supervisors state that they would approve the TA if allowed to do so. There is no dispute that claimant incurred reasonable costs to complete his work-related travel. As such, the agency should reimburse him for expenses he incurred at its behest and for its benefit. *See Raymond S. Bednarcik Jr.*, CBCA 3859-TRAV, 15-1 BCA ¶ 35, 836 (2014) (quoting *Timothy J. Hurley*, CBCA 2762-TRAV, 12-2 BCA ¶ 35,097). Claimant’s supervisors state that he was necessary at the meetings he was traveling to, and that they would authorize the expenses today if possible. The TA was not approved due to administrative circumstances beyond claimant’s control. Accordingly, under 41 CFR 301-2.1, we remand this matter to the agency to approve claimant’s travel authorization and to reimburse him for his travel expenses.

The claim is granted.

Jonathan D. Zischkau
JONATHAN D. ZISCHKAU
Board Judge