



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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January 11, 2021

CBCA 6866-TRAV

In the Matter of JANE A.

Jane A., Claimant.

Ashley P. Witt, Assistant Counsel, Office of the General Counsel, Navy Region Southeast, Department of the Navy, Jacksonville, FL, appearing for Department of the Navy.

**KULLBERG**, Board Judge.

Claimant, Jane A., seeks reimbursement for per diem for those days that she received emergency medical care in the continental United States (CONUS) while on leave from her permanent duty station (PDS), which was outside CONUS (OCONUS). The agency, the Department of the Navy (Navy), contends that the cost of travel for the purpose of receiving medical care is only reimbursable when an employee receives authorization in advance of such travel. For the reasons stated below, the Board denies the claim.

Background

On August 15, 2017, the Navy transferred claimant from her previous PDS within CONUS to an OCONUS PDS for a thirty-six-month tour. She subsequently requested an extension of her tour to five years, and after the Navy granted claimant's request, she was authorized home leave for ten days. Claimant's home leave within CONUS began on November 7, 2019, but she became ill and sought medical care on November 10, 2019. She was hospitalized from November 22 to 26, 2019, and subsequently underwent medical treatment. On December 12, 2019, claimant requested medical travel benefits, but the Navy denied her request. Claimant submitted her claim to the Board for per diem for the period from November 19 to December 31, 2019, with the exception of the days she was hospitalized.

Discussion

At issue is whether an employee on leave within CONUS from an OCONUS PDS is eligible to receive per diem while undergoing medical care for an illness suffered while on leave. The Joint Travel Regulations (JTR), which apply to claimant, provide the following:

An eligible civilian employee assigned to a foreign PDS OCONUS, or the civilian employee's dependent, 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. The Secretarial Process determines when the local medical facilities cannot accommodate.

JTR 033102-A. The secretarial process for authorization of medical travel requires action by a high-level official within the Department of Defense. *See William Meyers, GSBICA 16702-RELO, 06-1 BCA ¶ 33,150 (2005).* An employee is not entitled to reimbursement for medical travel taken without such authorization. *Robert L. Schieffer, CBCA 6348-TRAV, 19-1 BCA ¶ 37,307.*

Claimant contends that she did not request medical travel before departing on leave because she did not know that she was ill and “would require emergency surgery while in the United States.” Implicit in the wording of JTR 033102-A is that medical travel is for the purpose of transporting an employee or an employee's dependent from an OCONUS location where adequate medical care is not available to a place where such care is available. While the Board recognizes that claimant had a serious illness that required hospitalization, her situation was not of the sort covered by that JTR provision.

Decision

The claim is denied.

*H. Chuck Kullberg*  
H. CHUCK KULLBERG  
Board Judge