



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 19, 2021

CBCA 7038-RELO

In the Matter of SAMUEL W.

Samuel W., Claimant.

Candy L. Nimey, Financial Analyst, Travel Mission Area, Enterprise Solutions and Standards, Defense Finance and Accounting Service, Department of Defense, Indianapolis, IN, appearing for Department of Defense.

SOMERS, Board Judge (Chair).

In August 2019, Mr. Samuel W. received permanent change of station (PCS) orders transferring him from an international location to a location within the continental United States. Mr. W.'s orders authorized him to take leave en route. He booked his airfare through the Travel Management Company (TMC) as required by regulation. He paid \$3331.34 for his tickets. Mr. W. departed his location and took leave as planned.

When Mr. W. submitted his travel voucher, the agency limited his reimbursement to \$1321.45 plus \$25.91 for agent fees—the city-pairs cost construct rate plus applicable taxes and fees. The agency justified using this cost construct rate, even though Mr. W. traveled the direct route to his new duty station, as provided by regulation, because his airfare included an additional charge, apparently occasioned by the interruption of his trip to take leave en route.

Mr. W. requests additional reimbursement in the amount of \$1983.98 for the unreimbursed portion of his ticket. In his appeal to the agency, he stated that because his return trip would have gone through his leave location whether he took leave or not, the stop should not be considered out of the way for his return to his stateside duty location. Therefore, Mr. W. believes that he should have received compensation for the full amount of his ticket. The agency submitted Mr. W.'s claim to us and recommended that the claim

be denied after reviewing the documentation and applicable regulations. The agency reached the correct conclusion.

When federal government civilian employees travel, reimbursement for travel expenses is governed by Title 5 of the United States Code, as implemented by regulation. Because claimant is an employee of the Department of Defense, he is subject to both the Joint Travel Regulations (JTR) and the Federal Travel Regulation (FTR). *Sheila D. Bacon*, CBCA 4339-RELO, 15-1 BCA ¶ 36,014. The JTR only applies inasmuch as it does not conflict with the FTR. *Michael P. Strand*, CBCA 5776-TRAV, 18-1 BCA ¶ 36,993.

Here, the FTR, 41 CFR 301-2.4 (2019) (FTR 301.2.4), provides that the “agency will not pay for excess costs resulting from circuitous routes, delays, or luxury accommodations or services unnecessary or unjustified in the performance of official business.” It then discusses the route by which an employee traveling on official business must travel:

§ 301-10.7 How should I route my travel?

You must travel to your destination by the usually traveled route unless your agency authorizes or approves a different route as officially necessary.

§ 301-10.8 What is my liability if, for personal convenience, I travel by an indirect route or interrupt travel by a direct route?

Your reimbursement will be limited to the cost of travel by a direct route or on an uninterrupted basis. You will be responsible for any additional costs.

Id. 301-10.7, -10.8. Employees who deviate from the direct route for personal reasons are only eligible for the constructive costs of the direct route on an uninterrupted basis. *Scott A. Winterrowd*, CBCA 6680-RELO, 20-1 BCA ¶ 37,684; *J. Jacob Levenson*, CBCA 5418-TRAV, 17-1 BCA ¶ 36,714.

JTR 053804-D states that “[w]hen a civilian employee, at personal expense and convenience, performs PCS travel OCONUS [outside of the continental United States] over an indirect route, he or she is authorized reimbursement limited to the amount authorized for the direct route between the old PDS [permanent duty station] and new PDS.” An employee must pay any added costs attributable to a deviation from the unusually-traveled, uninterrupted route. *See, e.g., Robert O. Jacob*, CBCA 471-TRAV, 07-1 BCA ¶ 33,530 (while the approving official could authorize departure from a non-PDS location to accommodate an employee’s personal circumstances, the Government has no authority to incur the added cost associated with this revised route); *Deborah H. Murray*, GSBCA 15838-RELO, 03-1 BCA ¶ 32,184.

Claimant argues that he fulfilled the requirements of the JTR because he purchased his ticket through TMC for authorized travel, that his direct route home would have required the stop en route, and that his PCS orders authorized the leave. However, because the claimant chose for reasons of personal preference to travel by a route different from that authorized by his agency (meaning, he took leave during the trip), the agency must limit reimbursement to the cost of travel by a direct route *on an uninterrupted basis*, and the employee must absorb any additional expense he incurs.

Nothing in the record explains why the cost of Mr. W.'s ticket exceeded the constructive cost of the direct, uninterrupted ticket. Nonetheless, the FTR provisions and precedent place the risk of the added expense of delay on the traveler who takes leave in conjunction with official travel. *Stephen L. Crawford*, CBCA 4669-TRAV, 15-1 BCA ¶ 36,064.

The claimant is not entitled to the relief sought.

Jerí Kaylene Somers
JERI KAYLENE SOMERS
Board Judge