



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 16, 2021

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.

The Department of the Interior (agency) has filed a request for reconsideration of the Board's decision in *Frank P.*, CBCA 6782-TRAV, 21-1 BCA ¶ 37,764 (2020). We deny reconsideration.

Background

Familiarity with the underlying decision is presumed. The claim arose following claimant's travel from Falmouth, Maine—through Tacoma, Washington—to Denver, Colorado, to attend meetings in his official capacity as a government employee. Claimant sought reimbursement of \$1861.86 in travel expenses, but the reimbursement was denied by the agency on the ground that the travel authorization was not approved prior to travel, and the agency could not under its policy retroactively approve the authorization. We granted the claim.

Discussion

In its request for reconsideration, the agency does not challenge the fact that claimant's travel was approved by the authorizing officials (but the electronic authorization

document was not finalized due to administrative error), that claimant's travel costs were reasonable, or that the authorizing officials continue to agree that the travel authorization should be issued. Rather, it asserts that its agency policy bars after-the-fact approvals and that we have deferred to this policy in the past, notwithstanding the Federal Travel Regulation provision that states an agency may approve an authorization after travel is completed where "it is not practicable or possible to obtain such authorization prior to travel." 41 CFR 301-2.1 (2019). The agency's reliance on section 1.3.1 of its temporary duty travel policy and on our decision in *J. Jacob Levenson*, CBCA 5418-TRAV, 17-1 BCA ¶ 36,714, *reconsideration denied*, 17-1 BCA ¶ 36,732, is misplaced. Here, the travel was approved, but the electronic signing and stamping were not completed due to administrative error not attributable to the claimant. The agency's policy permits authorizations after travel in emergency situations where a travel authorization cannot be reasonably obtained in advance. Unlike the situation here, in *Levenson* there had been no prior approval for using actual expense lodging costs under 41 CFR 301-11.302 ("Request for authorization for reimbursement under actual expense should be made in advance of travel."), and we sustained the agency's refusal to approve the lodging costs which exceeded the per diem amount.

The claimant's travel was approved and authorized and the administrative failure to complete the signing and stamping of the electronic document will not defeat reimbursement of the claimant. 41 CFR 301-2.1; *Frank P.*

The agency's request for reconsideration is denied.

Jonathan D. Zischkau

JONATHAN D. ZISCHKAU

Board Judge