



### **How Well Do You Know Travel Regulations: Part I?**

We asked you to tell us how well you know government travel regulations. Below are the correct responses to the travel reimbursement scenarios we highlighted in the latest issue of the *Compass!*

Stay tuned for Part II and more chances to win in the March 2013 issue.

#### Case No. 1

A Navy employee traveled on official travel from Patuxent River, Maryland to Fort Worth, Texas. Her return trip home was delayed due to weather, and she arrived at Reagan National Airport after 2 a.m. The employee had poor night-driving vision and was concerned about driving the 1 ½ hours back to her home. Using her agency's designated travel agency, she booked a hotel near Reagan National Airport and returned home the next morning. She sought reimbursement for this additional hotel stay.

The Navy refused to reimburse her for the cost of the hotel room, taxes on that lodging expense and parking for her car at the hotel. The Navy cited paragraph C4552-C.1.a of the Joint Travel Regulations which states: "Per diem cannot be authorized or paid within the PDS limits (APP A), or at, or within the vicinity of, the place of abode (residence) from which the employee commutes daily to the official station except as provided in par. C4552-D..."

Is she entitled to be reimbursed?

**Answer: Yes.** The Civilian Board of Contract Appeals approved the reimbursement stating: "when, in the course of official travel, an employee encounters extraordinary, unexpected circumstances which make prudent spending a night at a hotel at an airport rather than venturing a considerable distance to the employee's home or office, the Government – for whose benefit the employee is making the trip – should reimburse the employee for the cost of the hotel room and other per diem expenses." See: In the Matter of LORI L. BRATTIN, August 9, 2012, CBCA 2831-TRAV (<http://www.cbca.gsa.gov/>).

#### Case No. 2

A civilian employee of the Naval Air Systems Command assigned to Patuxent River, Maryland requested reimbursement for \$71 for meals and incidental expenses (M&IE) and \$229.99 in lodging expenses incurred when his after-hours flight from Reagan National Airport was cancelled. He was rebooked to leave in the evening the next day from Dulles International Airport. The employee decided it was more cost effective and productive to stay in a hotel near the airport rather than return to his residence or official duty station which would have required him to drive almost 200 miles from airport to home and from home to airport.

The Navy denied reimbursement asserting that the employee should have returned to his residence after the flight was canceled. The Navy cited paragraph C4552-C.1.a, which provides that per diem cannot be authorized or paid within an employee's PDS limits or within the vicinity of the employee's residence from which he or she commutes daily to the official station.

Is the employee entitled to reimbursement?

**Answer: No.** The Civilian Board of Contract Appeals denied the claim stating that the circumstances did not fall within the limited circumstances that had been carved out where per diem may be authorized in connection with transportation delays at the assigned duty station caused by weather-related circumstances beyond the control of the employee after the employee returns to the PDS vicinity from the TDY location or where there are safety concerns for the claimant and the public (an one and one-half hour early morning drive to her residence after an eighteen-hour work day justified reimbursement of lodging expenses for the night or a return flight arrived at approximately 1:00 a.m., and the employee was too tired to drive the nearly two hours to his residence). Here the employee merely claimed convenience for the stay. See: In the Matter of DANE HANSON, May 21, 2012, CBCA 2666-TRAV.

### Case No. 3

A civilian employee of the Puget Sound Naval Shipyard sought reimbursement of \$2,656.36 for travel expenses incurred for transporting three pets during an authorized departure evacuation from Yokosuka, Japan. The employee's permanent duty station was Yokosuka, Japan. Following the March 2011 earthquake and tsunami that struck Japan, the DOD issued a memorandum approving the voluntary authorized departure. The employee received travel orders authorizing him and his wife to evacuate the island and to travel to a designated safe haven within the continental United States. The employee also evacuated his three pets to the United States. The employee sought reimbursement for the pets because when he was transferred to Japan for PCS, the government reimbursed him for costs incurred in transporting his pets.

The agency denied his request for reimbursement of these expenses, explaining that the regulations governing evacuations do not permit reimbursement for the transportation of pets.

Is he entitled to reimbursement?

**Answer: No.** The Civilian Board of Contract Appeals stated that transportation expenses of the dependents of a government employee, as well as the expenses incurred in transporting household goods from a foreign location to a safe-haven location within the continental United States, when an evacuation is ordered or authorized is governed by 5 U.S.C Section 5725, as implemented by Chapter 600 of the Department of State Standardized Regulations (DSSR), and reproduced in the Defense Department's Joint Travel Regulations C6005. Nothing in the DSSR or the JTR provides for the transportation of pets at government expense during an evacuation. In addition, the order authorizing the evacuation from Honshu, Japan, expressly stated that "families are financially responsible for the movement of pets to and from the theater.

Transportation of pets at government expense is not an entitlement.” Different rules apply for a PCS move. See: In the Matter of GARY L. WATSON, May 15, 2012 CBCA 2504-TRAV.

#### Case No. 4

A Navy civilian employee booked his hotel through a commercial online booking service instead of the designated travel agency when he traveled on government business. He sought reimbursement for the lodging expenses. The Navy declined to reimburse him for those expenses citing the Joint Travel Regulations (paragraph C4555-B.5) which was in effect at the time of travel and stated: “On-Line Booking Tool. . . . Lodging reimbursement is not authorized for hotel lodging obtained through online booking agents unless an itemized receipt from the hotel is provided.”

Are his lodging expenses reimbursable?

**Answer: Yes.** The CBCA stated that “under statute, government employees who travel on official business are entitled to reimbursement for lodging expenses as a matter of right. The Federal Travel Regulation (FTR) reasonably requires that receipts be provided as a condition of payment for these expenses, but it does not limit the source of receipts that may be required.” Since the employee provided documentation that he paid specified amounts for his hotel room, and taxes and fees on those amounts, on each of the two nights in question, the Board instructed the Navy to reimburse him up to the limits of applicable per diem. See: In the Matter of CHONG WANG, March 28, 2012 CBCA 2747-TRAV.

#### Case No. 5

Due to the earthquake and tsunami that devastated the northeast coast of Japan, dependents of employees of the United States stationed in Japan were authorized to voluntarily evacuate the island. Under the order, dependents who evacuated would be reimbursed for transportation expenses that occurred under certain specified conditions. The employee used frequent flyer miles to obtain airline tickets for his family to fly from Japan to Los Angeles. The family paid a surcharge of \$145.80 in conjunction with the purchase of the tickets. The employee requested reimbursement of the surcharges even though he used frequent flyer miles to obtain the tickets.

Are the surcharges reimbursable?

**Answer: Yes.** First the Board noted that Government travelers who have acquired airline tickets for their TDY by redemption of frequent flyer miles or coupons acquired on personal travel may not be reimbursed for the supposed value of the tickets because of: (1) the subjectivity that would be involved in ascertaining the value of frequent flyer miles or coupons, (2) the problems of control and accountability in allowing reimbursement for frequent flyer miles and coupons, and (3) the lack of guidance in statute and regulation on how to value such items. The Board authorized reimbursement since the employee did incur an actual expense for the purchase of the tickets and provided receipts showing he paid \$48.60 in taxes and fees per ticket, for a total of \$145.80. See: In the Matter of MARC V. DINGER, January 26, 2012 CBCA 2470-TRAV.

#### Case No. 6

An employee of the Food and Drug Administration was authorized official travel to attend a conference in Paris, France. Prior to the conference he asked his agency's internal travel preparer how to secure a hotel for the upcoming conference. He was told he should book through the conference planner as they could get better rates and to use his government credit card. He was also told not to worry about any cancellation fees. The employee booked one of the hotels recommended for the conference on his own. He did not use the agency's ETS system or the designated travel agency.

Just prior to the conference he was told by his agency that he had to use the designated travel agency for the reservations. Subsequently, when the employee attempted to cancel the hotel reservation he had made, he was told that the hotel would charge him a cancellation fee equal to 100% of his room rate for the entire five night stay (since the cancellation was after the cutoff date). Ultimately, a cancellation fee was negotiated for 50% of the total or \$838.

Is the employee entitled to reimbursement of the hotel cancellation fee?

**Answer: No.** The Board stated that under applicable Federal Travel Regulation (41 CFR 301-50.3 (2011)), it is mandatory that an employee make arrangements for official travel through either the E-Gov Travel Service (ETS) or through the agency's designated existing travel agency. None of the circumstances that would justify any exception applied here. Furthermore the regulation provides that, where the employee fails to use either the ETS or its agency's TMS, he/she will have to bear responsibility for any additional costs, including, *inter alia*, "cancellation fees." There was no authority, under statute or regulation, despite the erroneous advice he received from his own agency for shifting such responsibility to the Government. See: In the Matter of NICHOLAS KOZAUER, December 20, 2011 CBCA 2525-TRAV.