UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 8, 2012

CBCA 2707-TRAV

In the Matter of STANLEY R. BUSH

Stanley R. Bush, St. Louis Park, MN, Claimant.

Mim Aiken, Executive Assistant, Department of Veterans Affairs, Arlington, TX, appearing for Department of Defense.

BORWICK, Board Judge.

In this matter, we determine that the claimant, Stanley R. Bush, is not entitled to reimbursement for a circuitous airplane route that was unnecessary for the transaction of official business on behalf of the agency, the Department of Veterans Affairs.

Background

Claimant's official station is in Minneapolis, Minnesota. The agency had planned two temporary duty (TDY) trips for official travel, one to Nashville, Tennessee, for a national chief information officers (CIO) conference between June 27 and July 1, 2011, and a second trip to Kansas City, Kansas, between July 11 and July 15, 2011. Claimant did a cost comparison and convinced his supervisor that the agency could save money on airfare if claimant were allowed to fly to Nashville for the first trip and then fly directly from Nashville to Kansas City for the second trip, instead of returning to Minneapolis and flying from there to Kansas City. Claimant's supervisor reluctantly agreed, and the agency issued the travel order authorizing such a trip. Claimant's supervisor, however, warned claimant that any change in or shortening of the itinerary could cause "major problems," i.e., that there might be a change in the official itinerary that would make the second trip unnecessary.

Claimant states that during the interval between the two TDY trips from July 5 through July 8, claimant planned two days of annual leave and two days of telework at an agency site in Wichita and that he would drive from Wichita to Kansas City at his own expense.[1] The agency denies that it ever arranged for or acceded to claimant's proposed telework in Wichita.

By e-mail message dated June 29 to numerous agency employees, including claimant and his administrative assistant, the agency canceled the TDY to Kansas. Claimant says he did not receive the e-mail message until July 3, after he had traveled to Kansas, because the agency had used the claimant's old, personal e-mail address. Claimant's administrative assistant, however, did receive the e-mail message, but apparently did not forward the message to claimant in a timely manner.

Upon receiving the e-mail message, claimant asked agency officials in Minnesota to book a flight from either Kansas City or Wichita for July 10 or July 11. Claimant returned to Minneapolis on July 10. He seeks reimbursement of $873.60 for airfare for the circuitous route.

The agency approved for payment the round-trip, government-contract fare between Minneapolis and Nashville of $494.40. The agency determined that because claimant was sent an e-mail message on June 29 notifying him of the cancellation of the Kansas City portion of the TDY, claimant should have canceled the Kansas portion of his trip and returned directly to Minneapolis from Nashville.

Discussion

The FTR provides that an agency may pay only those travel expenses necessary for the transaction of official business. 41 CFR 301-2.2 (2010). The FTR also provides that a traveler on TDY must exercise the same care in incurring expenses that a prudent person would exercise in spending his or her own funds. 41 CFR 301-2.3. Here, due to the cancellation of the Kansas TDY, the circuitous air route was not necessary for the transaction of official business. Consequently, the fare for that route may not be reimbursed. *Robert O. Jacob*, CBCA 471-TRAV, 07-1 BCA ¶ 33,530. Furthermore, having been warned by his supervisor that the itinerary might change, claimant did not act as a prudent traveler in failing

[1] Monday, July 4, 2011, was a Federal holiday.

to check with his administrative assistant, his supervisor, or his fellow conference members, as to whether the Kansas City TDY would proceed as planned. The agency acted in accordance with regulation in denying the claim.

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ANTHONY S. BORWICK
Board Judge