



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 14, 2015

CBCA 4772-TRAV, CBCA 4773-TRAV

In the Matters of DEANA L. PRITCHETT and LIPARA G. WESTMORELAND

Deana L. Pritchett, Gretna, LA, Claimant in CBCA 4772-TRAV

Lipara G. Westmoreland, New Orleans, LA, Claimant in CBCA 4773-TRAV

W.P. Mizerak, Headquarters United States Marine Corps, Washington, DC, appearing for Department of the Navy.

GOODMAN, Board Judge.

The agency has submitted claims on behalf of its employees, Deana L. Pritchett and Lipara G. Westmoreland, seeking amendment of their travel orders to allow reimbursement of travel expenses incurred while on temporary duty (TDY).

Background

The Marine Corps directed claimants to attend training courses in North Carolina – Ms. Pritchett from January 5 through March 16, 2015, and Mr. Westmoreland from March 8 through May 6, 2015. Each employee attempted to find, in the area of the training course, lodging which was available at 75% of the government rate for the location of the course. The employees were unable to find such lodging. Their approving official then authorized them to be reimbursed for their actual costs of lodging. The employees attended the courses, and while doing so, stayed at hotels which charged them the government rate for the locality.

After the employees returned from their training courses, they were reimbursed for lodging expenses at only 75% of the government rate. The employees claim entitlement to the costs they actually incurred, less the amounts they have already been paid.

Discussion

Since November 1, 2014, the Joint Travel Regulations (JTR) have provided that a Department of Defense traveler who is assigned TDY for more than thirty days at one location is to be reimbursed for lodging costs at a rate which is less than the government rate for that location. JTR 4250-A. A traveler like each of the claimants who is sent to a single location for between thirty-one and 180 days “is authorized at a flat rate of 75% of the locality rate (rounded up to the next highest dollar), payable for each full day of TDY at that location.” *Id.* 4250-A.1.a. The regulation provides further,

If a traveler is unable to arrange suitable commercial lodging on [his] own, the CTO [the agency’s contracted Commercial Travel Office] should be contacted for assistance. If the CTO determines that lodging is not available at the reduced per diem rate, the AO [approving official] may authorize actual lodging, not to exceed the locality per diem rate, in accordance with par. 4130 and 4155. *Id.* 4250-A.1.c.

Here, the AO did not advise the employees to contact the CTO for assistance in finding lodging at 75% of the locality rate. The employees did not contact the CTO, so that office did not make the determination which, according to the JTR, is a necessary prerequisite for the AO to authorize the employees to be reimbursed for their actual lodging expenses. Instead, the AO made that authorization on her own accord.

The AO and other agency officials urge that the employees should not be penalized for the AO’s transgression; the employees acted prudently and in accordance with their travel orders.

We agree with the agency’s position. There is no evidence that had the claimants contacted the CTO, that office would not have made the required determination. Each claimant is entitled to be reimbursed for the costs incurred for lodging, which were within the amounts authorized, less the amounts they have already been paid.

Decision

The claims are granted.

ALLAN H. GOODMAN
Board Judge