



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 29, 2016

CBCA 5774-TRAV

In the Matter of TERESA R. JONES

Teresa R. Jones, Chicago, IL, Claimant.

Khary Nelson, Travel Branch Chief, Environmental Protection Agency, Cincinnati, OH, appearing for Environmental Protection Agency.

LESTER, Board Judge.

Claimant, Teresa R. Jones, seeks reimbursement of \$76.30 that she incurred in renting a car to drive to a temporary duty (TDY) station after having just missed the train that was supposed to have taken her there. For the reasons set forth below, we grant her claim.

Background

Ms. Jones was authorized to travel on May 2, 2017, on official business from Chicago to Hillsboro, Illinois. To get to her destination, she was scheduled to take a train from Chicago to Springfield, Illinois, a distance of approximately 200 miles. Once in Springfield, she was to rent a car and drive approximately an hour to Hillsboro (a location without train service).

At the outset of her travel, Ms. Jones missed her train in Chicago by about two minutes as a result of unexpected traffic that delayed her arrival at the train station. She immediately went to the Amtrak customer service desk to reschedule her train travel, but learned that the next available train would not allow her to arrive at her destination in time to attend the meeting that necessitated her travel. She represents that she then contacted her

supervisor, who verbally authorized her to rent a car to drive to Springfield and instructed her to amend her travel authorization upon her return to the Chicago office. Although she had a reservation to rent a car in Springfield (for the drive to Hillsboro) with Enterprise Rent-A-Car (Enterprise), there was no Enterprise desk at the train station in Chicago, and she selected another rental car company for her one-way rental from Chicago to Springfield. Once in Springfield, Ms. Jones turned in her first rental car and picked up the Enterprise rental car for the drive to Hillsboro. After concluding her meeting, she drove back to Springfield the next day and then returned to Chicago by train.

Ms. Jones received an eVoucher in the amount of \$27 from Amtrak for the unused Chicago-to-Springfield portion of her originally scheduled train travel, which can be used for a future trip. The one-way car rental from Chicago to Springfield totaled \$76.30.

The travel office for the agency for which Ms. Jones works, the Environmental Protection Agency (EPA), subsequently questioned the cost of the first rental car. That office informed her by email message dated May 31, 2017, that, “[i]n the scenario of missing a train, the agency should only be paying the lesser charge between the train ticket and the rental car to get to the TDY location.” Relying on the Board’s decision in *Matthew C. Altland*, CBCA 3729-TRAV, 14-1 BCA ¶ 35,775, the travel office informed Ms. Jones that the costs of a second transportation method are unallowable when the traveler has missed his or her originally scheduled transportation. In her circumstances, she was told, the agency would not reimburse her for any costs for the travel from Chicago to Springfield in excess of \$27, the amount of her original train ticket.

Ms. Jones submitted her claim to the Board, seeking reimbursement of the full \$76.30 rental charge for the first car rental. After reviewing her submission, the agency responded that, when denying her claim, the agency paying office was unaware that she had contacted her supervisor before renting a car to drive from Chicago to Springfield, and it suggested that this contact, had it known of it, might have affected its decision not to pay the costs. Rather than change its position on her claim, though, the agency indicated that it wanted “the board’s interpretation on how to proceed with the claim.”

Decision

Section 301-2.1 of the Federal Travel Regulation (FTR) provides that, “generally,” a federal employee “must have written or electronic authorization prior to incurring any travel expense.” 41 CFR 301-2.1 (2016). It also provides that, “[i]f [the traveler] do[es] not travel by the method of transportation required by regulation or authorized by [the traveler’s] agency, any additional expenses [the traveler] incur[s] which exceed the cost of the authorized method of transportation will be borne by [the traveler].” *Id.* 301-10.6.

Nevertheless, the FTR also provides that, “[i]f it is not practicable or possible to obtain such authorization prior to travel, your agency may approve a specific authorization for reimbursement of travel expenses after travel is completed,” excepting specific items not at issue here. *Id.* 301-2.1.

The situation here involves a dilemma that often arises when, at the outset of or during TDY travel, unexpected circumstances occur: a planned flight is canceled; an airline bumps a traveler from an oversold flight; or, as here, the traveler misses her scheduled transportation for reasons not entirely within her control. We have recognized that “federal travelers are required to use their own judgment and incur costs in these situations, e.g., rent a hotel room and wait for the next available flight or lease an automobile and drive to the destination,” picking a solution that he or she hopes will be reimbursed. *Jeffrey M. Downing*, CBCA 5032-RELO, 16-1 BCA ¶ 36,221, at 176,712. When faced with such circumstances, federal employees are expected to “exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.” 41 CFR 301-2.3. “When a traveler acts reasonably, as a prudent traveler, an agency will typically retroactively amend the travel orders and reimburse the employee for the costs associated with the circumstances.” *Downing*, 16-1 BCA at 176,712.

The agency, when reviewing Ms. Jones’ reimbursement request, indicated its belief that a different rule applies when an employee misses a flight or a train. It interprets the Board’s decision in *Matthew C. Altland* as placing blame on travelers who miss previously scheduled transportation and requiring such travelers (at least to the extent that they do not obtain prior authorization from their authorizing officials to alter their travel plans) always to bear any increased costs resulting from missed flights or trains. The agency has misread *Altland*, which does nothing more than apply the “prudent traveler” rule in a situation in which the traveler did not act prudently. In *Altland*, the traveler and his family had arrived at an airport one-and-a-half hours before a scheduled return flight to the traveler’s duty station, but delays in the security area – delays that were not the fault of the traveler or his family – caused them to miss their flight. In response, rather than attempting to rebook the return flight using the existing airline tickets, the traveler instead purchased entirely new airline tickets without canceling or seeking some kind of compensation for the unused tickets, without contacting the agency’s travel office, and without contacting his supervisor. The traveler then sought reimbursement for *both* sets of return airline tickets – the non-refundable ones that went unused, and the newly purchased replacement tickets – and his request for reimbursement of the second set of tickets was denied. It was not the fact that the traveler unintentionally missed his plane that caused denial of increased cost reimbursement. It was the traveler’s failure to act prudently in response to the missed flight that caused the Board to deny reimbursement of his increased costs. *Altland*, 14-1 BCA at 175,009; *see Glenn N. Wilson*, CBCA 2852-TRAV, 12-2 BCA ¶ 35,135, at 172,488 (denying

costs of renting a car for a full week after traveler missed his flight, failed to seek assistance from the government travel agent, and incurred extra costs of more than \$500, finding that “prudence required that claimant consider other, less expensive means, such as the shuttle service, of getting to Tucson from Phoenix”).

There is no doubt that, if a traveler intentionally and purposely misses scheduled transportation during TDY travel without a legitimate official business reason, the traveler cannot pass resulting increased travel costs through to the Government. But that is not the situation here. Ms. Jones missed her train by only about two minutes as a result of unexpected traffic that delayed her arrival at the train station, a first in her many years of TDY travel for the Government. She recognized that the only way for her to get to the TDY site in time to conduct the official business for which she was traveling was to rent a car and drive. That she actually contacted her supervisor while still at the train station, and that supervisor agreed that she should rent a car and drive to Springfield to ensure her attendance at the meeting that was the purpose of the TDY travel, only adds to the reasonableness and prudence of her actions.

Ms. Jones’ situation is almost identical in nature to that in *Diane L. Kleinschmidt*, CBCA 4054-TRAV, 15-1 BCA ¶ 35,822 (2014). There, the traveler, as a result of unexpectedly slow airport security screening, missed her flight (a first in nineteen years of TDY travel). After contacting her authorizing official for direction on the proper corrective action, and unable to find a flight that would get her to her TDY destination by the necessary time, she rented a car and drove there. The agency subsequently limited the traveler’s reimbursement to the \$77 amount refunded from the unused airline flight ticket, but the Board ordered full reimbursement of the \$217.07 that the traveler incurred for the rental car and gas, finding that the traveler had acted reasonably in attempting to make her flight, in coordinating with her authorizing official, and in acting prudently to get to her TDY destination in time to perform her required official duties. *Id.* at 175,179-80.

We find that Ms. Jones is entitled to reimbursement in the full amount of the car rental that allowed her to drive from Chicago to Springfield. Nevertheless, she has received an eVoucher from Amtrak in the amount of \$27 for future train travel. Pursuant to FTR 301-10.114 and -10.115, she is not authorized to retain that credit and must return it to the agency “in accordance with [her] agency’s procedures,” 41 CFR 301-10.114, whatever they may be.

Decision

For the foregoing reasons, Ms. Jones is entitled to reimbursement of \$76.23 in car rental charges, but must return the \$27 eVoucher to the agency in accordance with instructions that EPA's travel office should provide her.

HAROLD D. LESTER, JR.
Board Judge