



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 16, 2007

CBCA 521-RELO

In the Matter of GARY PRICE

Gary Price, Honolulu, HI, Claimant.

Shauntia Hart-Wright, Administrative Officer, Department of State, Washington, DC,
appearing for Department of State.

PARKER, Board Judge.

Background

Gary Price has been retired from the State Department's Foreign Service since 1995 and currently lives in Hawaii. For ten years in a row after his retirement, the Department asked Mr. Price to come to Washington, D.C., to edit the agency's annual Human Rights Report. Mr. Price performed this work as a re-employed annuitant pursuant to the Department's While Actually Employed (WEP) regulations and was paid at a specified rate for the hours he actually worked. Under the terms of his employment, Mr. Price was responsible for paying his own travel, lodging, and subsistence expenses.

In May 2006, Mr. Price contacted his supervisor for the human rights project, who confirmed that Mr. Price would be working on the report again and that he could go ahead and purchase his airline ticket to Washington. Mr. Price then purchased the ticket.

In August 2006, Mr. Price received a letter from the Department saying that his status under the WEP regulations was being terminated. His supervisor confirmed that more senior people in the Department had decided that Mr. Price would no longer be asked to work on the Human Rights Report.

Mr. Price asked the Department to reimburse him for the airline ticket that he purchased. After much internal discussion, the agency decided that it had no legal basis for reimbursing him. Mr. Price has asked the Board to review the agency's decision.

Discussion

Although the Department did Mr. Price a disservice by telling him that it would require his services and then reversing itself three months later after Mr. Price had purchased an airline ticket, the agency correctly determined that there is no basis for reimbursing Mr. Price under federal travel statutes or regulations. Because the terms of Mr. Price's employment under the Department's WEP regulations required that he be responsible for paying his own travel expenses, the Department would not have reimbursed him for the airline ticket even if it had not canceled his employment.

In essence, Mr. Price's claim is not one for reimbursement of travel expenses. He is in effect asking the Department to pay damages (in the amount of the cost of his airline ticket) for the Department's allegedly improper actions in connection with a personnel matter. Although we sympathize with Mr. Price, and express no opinion as to his possible causes of action under other federal laws, we hold that Mr. Price has not stated a claim that is subject to payment under any federal travel statute or regulation.

Decision

The claim is denied.

ROBERT W. PARKER
Board Judge