



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 18, 2007

CBCA 669-TRAV

In the Matter of BEVERLY J. WARD

Beverly J. Ward, Washington, DC, Claimant.

Edmund J. Trapacz, II, Office of the General Counsel, Department of Education, Washington, DC, appearing for Department of Education.

SOMERS, Board Judge.

Claimant, Beverly J. Ward, a former Schedule C employee of the Department of Education (the agency), has filed a claim with this Board seeking reimbursement in an unspecified amount for rental car and fuel expenses incurred from the period of September 21, 2005, to September 6, 2006. Because Ms. Ward has not submitted a travel voucher to the agency prior to filing her appeal before the Board, we dismiss Ms. Ward's claim without prejudice.

Background

For the duration of Ms. Ward's employment with the Department of Education (the agency), including the period from September 21, 2005, through September 6, 2006, her official duty station was in Washington, D.C. By letters dated September 7, 2005, and September 12, 2005, United States Senator Thad Cochran asked the Secretary of Education to assign Ms. Ward on a temporary detail to the Senator's state office in Jackson, Mississippi, in order to provide assistance in the recovery efforts resulting from Hurricane Katrina. At some point prior to her employment with the agency, Ms. Ward served as Senator Cochran's press secretary.

In response to the Senator's request, the agency authorized a temporary duty assignment to Jackson, Mississippi, for the period from September 21, 2005, through September 30, 2005. The authorization, GSA Form 87, entitled "Official TDY Travel

Authorization,” provided for airfare from Washington, D.C., to Mississippi and authorized the use of a rental car during this period. The remarks section of the form stated:

No per diem or lodging for the duration of this trip. This travel authorization is for 9/21-9/30, trip extends through October 21. A second travel authorization will be created for dated Oct 1-21, 05.

Apparently, however, although JoAnn Ryan of the Executive Office of the Secretary of Education sent an e-mail message to Ms. Ward in January 2007 that suggests that travel had been authorized through October 21, 2005, the agency did not issue a travel authorization for any travel after September 30, 2005. The only document contained in the record as to this matter indicates that the funds to reimburse Ms. Ward for rental car and fuel expenses for the period of October 1 through October 21 may have been obligated; however, the document specifically states that “[t]his authorization is intended only as a mechanism to obligate funds. It does not approve the travel [or] authorize reimbursement.”

Ms. Ward claims that she was told verbally that the agency was extending her detail; however, she never received any confirmation in writing. Nevertheless, Ms. Ward worked out of Senator Cochran’s district office in Mississippi for nearly one year, returning to Washington, D.C., at her own expense. In September 2006, Ms. Ward apparently requested reimbursement from the agency for her expenses, although it does not appear from the record before us that she filed a written claim for reimbursement with the agency. Ms. Ward terminated her employment with the agency in the fall of 2006 and is currently employed as a Special Assistant at the Office of Personnel Management.

Discussion

By statute, the Government is required to reimburse employees for the actual and necessary costs incurred while traveling on official business. 5 U.S.C. § 5702 (2000); *Robert O. Jacob*, CBCA 471-TRAV, 07-1 BCA ¶ 33,530. Under the Federal Travel Regulation (FTR), agencies must limit payment of travel costs to those which are necessary to accomplish the mission in the most economical and efficient manner and in accordance with the rules stated throughout the FTR. 41 CFR 301-2.2, -70.1 (2006).

In this case, there is no evidence that Ms. Ward submitted a travel voucher for reimbursement to the agency prior to filing her appeal with the Board. Claimant has not submitted any documents which could be construed as fulfilling the requirements of a claim; in fact, the only documents submitted in support of her appeal are copies of statements from her government credit card account, which include billings for various car rental agencies

and gas stations, as well as charges from several unidentifiable sources. In accordance with the regulations, Ms. Ward is required to provide evidence of all travel authorizations. 41 CFR 301-52.4. In this case, the only travel authorization contained within the record covers the time period of September 21, 2005, through September 30, 2005.

Conceivably, claimant would be entitled to reimbursement for authorized travel expenses for any period of authorized travel upon submission of a properly filed travel claim. 41 CFR 301-52.3. In addition, despite the notation on the travel authorization indicating “no per diem or lodging for the duration of this trip,” the statute provides that an employee is entitled to per diem and subsistence expenses when the employee is traveling on official business away from the employee’s designated post of duty. 5 U.S.C. § 5702(a). The implementing FTR provides that an employee is eligible for a travel allowance when the employee “perform[s] official travel away from [his/her] official duty station or other areas defined by [the] agency.” 41 CFR 301-11.1(a). While an agency may determine that a reduced per diem allowance is appropriate for certain travel assignment situations, such as when quarters or meals are provided at no cost or nominal cost by the Government, the record contains no information as to why full per diem or lodging would not be provided. 41 CFR 301-2.5(i).

We decline to grant the agency’s request that this claim for reimbursement for travel expenses arising from periods outside of the authorized travel period be dismissed with prejudice. Claimant has yet to file a written claim for any travel expenses with the agency. Nothing precludes the agency from authorizing Ms. Ward’s travel after the fact once Ms. Ward’s claim is received or from changing the travel authorization that had been previously issued, given that the agency permitted Ms. Ward to work in Mississippi for nearly a year.

Ultimately, before we can consider the appeal, claimant must first file a claim with her agency. If she receives an adverse determination, she may then file a request for review with this Board.

This case is dismissed without prejudice.

JERI KAYLENE SOMERS
Board Judge