



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 8, 2009

CBCA 1572-TRAV

In the Matter of ROBERT F. TECLAW

Robert F. Teclaw, Washington, DC, Claimant.

Sherri Johnson, Acting Director, Management Support Staff, Office of Public Health and Science, Food Safety and Inspection Service, Washington, DC, appearing for Department of Agriculture.

DANIELS, Board Judge (Chairman).

Robert F. Teclaw, an employee of the Department of Agriculture's Food Safety and Inspection Service (FSIS), lives in Richmond, Indiana, but is stationed in Washington, D.C. Mr. Teclaw regularly travels between the two cities on weekends at his own expense. In March 2009, FSIS sent him from Washington to Atlanta, Georgia, on official business. His duties ended on a Friday, and Mr. Teclaw chose to fly from Atlanta to Indianapolis, Indiana, rather than returning directly to Washington. Mr. Teclaw asked FSIS to reimburse him for the cost of his airline ticket from Atlanta to Indianapolis, which was less than the price of a ticket from Atlanta to Washington. The agency refused to do so.

FSIS believes that section 301-10.7 of the Federal Travel Regulation (FTR) requires it to deny Mr. Teclaw's request. That section informs employees, "You must travel to your destination by the usually traveled route unless your agency authorizes or approves a different route as officially necessary." 41 CFR 301-10.7 (2008). Mr. Teclaw maintains that rather than section 301-10.7, section 301-10.8 of the FTR is controlling. The latter provision tells employees that "if, for personal convenience, [you] travel by an indirect route or interrupt travel by a direct route . . . [y]our reimbursement will be limited to the cost of travel

by a direct route or on an uninterrupted basis. You will be responsible for any additional costs.” *Id.* 301-10.8.

The two provisions work together to compel the result Mr. Teclaw desires. Under the FTR, agencies must limit payment of travel expenses to costs which are necessary to accomplish a mission in the most economical and efficient manner. *Robert O. Jacob*, CBCA 471-TRAV, 07-1 BCA ¶ 33,530 (citing 41 CFR 301-2.2, -70.1). Section 301-10.7 implements this rule by limiting agency liability for the costs of employee travel to those incurred on the usually traveled route or another route authorized by the agency as officially necessary. If an employee chooses for reasons of personal preference to travel by a route different from the one authorized by his agency, section 301-10.8 prescribes how expenses will be allocated: the agency will provide reimbursement up to the cost of travel by a direct route or on an uninterrupted basis, and the employee will absorb any additional expense he incurs. In other words, as we explained in *Jacob*, “the relevant provisions of the FTR . . . strictly limit[] reimbursement for [temporary duty travel] to the constructive cost of a round trip originating and ending at the [permanent duty station] even if the travel orders authorized departure from and/or return to another location to accommodate the personal circumstances of the traveler.” 07-1 BCA at 166,110.

Mr. Teclaw left for Atlanta on official business from his permanent duty station in Washington, so he is entitled to reimbursement for the cost of travel from Atlanta back to Washington. He seeks reimbursement for the cost of travel from Atlanta to Washington via an indirect and interrupted route. If travel by this route had been more expensive than travel via the direct route selected by FSIS, his reimbursement would be limited to the cost of travel on that direct route. Because the cost of travel for which he seeks reimbursement on the indirect and interrupted route was *less* than the cost of travel via the direct route, he is entitled to reimbursement in the full amount at issue.

STEPHEN M. DANIELS
Board Judge