



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 24, 2010

CBCA 1620-TRAV

In the Matter of WESTLEY K. COLLINS

Westley K. Collins, Sweet Home, OR, Claimant.

Joann M. Putnam, Office of Regional Counsel, Federal Aviation Administration, Renton, WA, appearing for Department of Transportation.

HYATT, Board Judge.

Claimant, Westley K. Collins, is an employee of the Department of Energy in Oregon. In 2008, he applied for a position with the Federal Aviation Administration (FAA) in Renton, Washington. Mr. Collins traveled to Renton for an in-person interview. After receiving notification that he had not been selected for the position, Mr. Collins asked the FAA to reimburse his costs of travel to Renton for the interview. The FAA declined to pay these costs and Mr. Collins requested the Board's review of this decision. We agree that the FAA properly denied the claim.

Background

This claim is unusual in that the parties differ concerning the facts. Mr. Collins contends that it is his recollection that he was scheduled for an in-person interview and his notes do not reflect that the FAA offered the option of a telephonic interview. He states that he was willing to travel to Renton and able to arrange to stay with a friend to minimize the expense to the agency. The FAA maintains that it initially proposed a telephonic interview and Mr. Collins told the FAA interviewer's assistant that he would be in the area, visiting a friend, and would prefer a face-to-face interview. The FAA agreed to the in-person interview. Neither Mr. Collins nor the agency broached the subject of reimbursement of travel expenses.

Mr. Collins was interviewed for the position on November 4, 2008. His train ticket shows that he arrived in the Renton, Washington, area on November 1, 2008, and departed on November 5, 2008.

In a letter dated November 15, 2008, the FAA informed Mr. Collins that he had not been selected for the position. On November 25, 2008, Mr. Collins wrote to the FAA interviewer and, among other things, inquired about paperwork to submit a travel claim. The letter was overlooked amid the press of business and no response was sent. On April 15, 2009, Mr. Collins wrote to the interviewer again, seeking information on how to file his travel expense claim.

By letter dated April 23, 2009, the FAA responded to claimant's inquiry, pointing out that the agency had not agreed to pay interview travel expenses and that Mr. Collins had not advised the agency prior to the interview that he expected to be reimbursed for transportation costs and per diem for the in-person interview. The agency says that if he had inquired about the availability of travel reimbursement prior to the interview or expressed his expectation to be reimbursed, it would have arranged a telephone interview. The FAA has provided the affidavit of its interviewer, confirming his initial intent to schedule a telephone interview. The agency had no objection to Mr. Collins' preference for an in-person interview, but had no reason to believe that Mr. Collins expected to be reimbursed for travel expenses. Under these circumstances, the FAA denied the claim.

Discussion

The FAA Travel Policy (FAATP) manual serves as the governing regulation for travel entitlements with respect to this claim. *See Gary G. Martin*, CBCA 487-RELO, 07-1 BCA ¶ 33,494; *Chauncey E. Ford*, GSBICA 16728-RELO, 06-1 BCA ¶ 33,166 (2005). The FAA may, but is not required to, authorize an allowance for pre-employment interview expenses when the agency has determined that such reimbursement will facilitate the recruitment of highly qualified individuals. FAATP 301-32.1 to .3.

The FAA maintains, and Mr. Collins has produced no evidence to the contrary, that it did not authorize claimant to travel at the agency's expense for the interview. The FAATP provides that when such expenses are authorized, the interviewee should not purchase his or her own ticket, but rather, should have the interviewing office either provide a ticket or permit the interviewee to obtain a ticket through the FAA's travel management system. FAATP 302-32.203. Here, Mr. Collins purchased his own ticket. This supports the agency's position that reimbursement of the expenses was not authorized.

Mr. Collins takes issue with the FAA's position that the pre-employment interview provisions are applicable here. He points out that he is already a federal employee and as such should be reimbursed for travel. Claimant misinterprets the provisions relied upon by the FAA. Individuals already employed by the Federal Government who seek employment at a different agency are indeed subject to similar guidelines under the Federal Travel Regulation (FTR).¹ See *Sandra L. Roberts*, GSBCA 14312-TRAV, 99-1 BCA ¶ 30,158 (1998) (citing *Roger L. Twitchell*, B-219046 (Sept. 29, 1986) (Marine Corps could reimburse four federal employees of other agencies for travel expenses incurred in conjunction with their interviews for Marine Corps positions in accordance with travel orders); 60 Comp. Gen. 235 (1981) (agency's decision as to whether to reimburse pre-employment interview travel expenses of an applicant is a matter entrusted to the agency's discretion)). Thus, since Mr. Collins was not already employed by the FAA, his interview was properly categorized as a pre-employment interview and he had no entitlement to reimbursement of his travel expenses absent pre-approval of such reimbursement by the FAA.

Finally, Mr. Collins complains that the FAA's policies are difficult for non-FAA employees to locate and that the agency should have informed him that it would not pay his travel expenses before scheduling an in-person interview. The FAA responds that its travel manual is easily located through a web-based search, which the Board confirmed in researching its decision in this matter. Regardless of these contentions, however, the FAA simply did not authorize reimbursement of Mr. Collins' travel expenses. There is no statute or regulation that required that it do so. Thus, the claim was properly denied.

CATHERINE B. HYATT
Board Judge

¹ See 41 CFR 301-75 (2007).