



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 12, 2010

CBCA 1795-TRAV

In the Matter of A. DARRYL SWAIN

A. Darryl Swain, Chicago, IL, Claimant.

Chris Obrecht, Deputy Center Director, Social Security Administration, Chicago, IL,
appearing for Social Security Administration.

KULLBERG, Board Judge.

Claimant, Mr. A. Darryl Swain, seeks reimbursement for lodging expenses that he incurred while attending a conference. The Social Security Administration (SSA) contends that the conference location, which was at a hotel in downtown Chicago, was within commuting distance from his home, and reimbursement for such lodging is not allowed. For the reasons stated below, the claim is denied.

Background

Mr. Swain attended the National Conference of State Social Security Administrators from August 9-11, 2009, at the Doubletree-Magnificent Mile Hotel in Chicago. Before the conference, Mr. Swain requested that he be allowed to stay at the hotel while attending the conference because he suffers from serious health problems. He was advised that he would not be reimbursed for lodging at a conference location that was approximately three miles from his office and within his commuting area, but he would be reimbursed for taxi fare between his home and the conference for each of the days that he attended. Instead, Mr. Swain stayed at the hotel during the conference, and he later requested reimbursement

in the amount of \$362.36 for two nights of lodging. The SSA denied his claim for lodging and submitted Mr. Swain's claim to the Board on his behalf.

Discussion

The issue before the Board is whether Mr. Swain can be reimbursed for lodging while attending a conference at a hotel near his office. Statute authorizes reimbursement for lodging only when the employee is "traveling on official business away from the employee's designated post of duty, or away from the employee's home or regular place of business." 5 U.S.C. § 5702(a)(1) (2006). The Federal Travel Regulation (FTR), which applies to Mr. Swain, states the following:

When am I eligible for an allowance (per diem or actual expense)?

When:

- (a) You perform official travel away from your official station, or other areas defined by your agency;
- (b) You incur per diem expenses while performing official travel; and
- (c) You are in a travel status more than 12 hours.

41 CFR 301-11.1 (2009) (FTR 301-11.1). Section 07.13.02 of the SSA's Administrative Instructions Manual System (AIMS) states that an employee's local commuting area is defined as "the greater of the corporate limits of the city or town in which the employee is stationed, or a minimum radius of 30 miles from either the official duty station or residence." Additionally, section 07.13.02 of the AIMS does not provide for the payment of per diem for "temporary duty . . . within the same metropolitan area used to define the official duty station."

The conference Mr. Swain attended was at a hotel approximately three miles from his office. The distance from his home to his office was twenty-one miles. Mr. Swain's home, his office, and the conference were all located in Chicago. The conference was within Mr. Swain's local commuting area as defined by the AIMS. Mr. Swain's attendance at the conference was not travel away from his home or official duty station, and neither statute nor FTR 301-11.1 allows reimbursement for lodging under such circumstances.

Mr. Swain contends that he has to rely on public transportation, and due to his serious health condition, commuting to and from conference activities that included evening sessions would have been very stressful. The FTR allows an agency to “provide reasonable accommodations to an employee with a special need by paying for additional travel expenses incurred.” FTR 301-13.1. The SSA offered to reimburse Mr. Swain for taxi fare to and from the conference, so he would not have needed to use public transportation. While the Board recognizes the severity of Mr. Swain’s health problems, we conclude that the SSA’s offer to reimburse him for taxi fare while attending the conference was a reasonable accommodation.

Decision

The claim is denied.

H. CHUCK KULLBERG
Board Judge