



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 20, 2010

CBCA 2046-TRAV

In the Matter of MURAD RAHEEM

Murad Raheem, Yonkers, NY, Claimant.

Tim Walton, Executive Director, National Disaster Medical System, Department of Health and Human Services, Washington, DC, appearing for Department of Health and Human Services.

KULLBERG, Board Judge.

Claimant, Murad Raheem, an employee of the Department of Health and Human Services (HHS), traveled on temporary duty (TDY) orders from his home in Yonkers, New York, to Washington, D.C., on May 17, 2010, and returned to his home the next day. His TDY orders stated that his method of travel was Amtrak. Mr. Raheem traveled business class, the least expensive class, on an Amtrak Acela train. Upon his return, Mr. Raheem submitted a travel voucher. His voucher was returned because the reviewer at HHS determined that travel on an Acela train was an extra-fare train service that had not been authorized as required under the Federal Travel Regulation (FTR).

The issue in this matter is whether an employee traveling on TDY orders that authorize rail travel on Amtrak can be reimbursed under the FTR for business class travel on an Acela train. The FTR defines business class as a “class of service offered on Amtrak Acela or Metroliner extra fare train service.” 41 CFR 301-10.160(d) (2009) (FTR 301-10.160(d)). An extra-fare train is a “train that operates at an increased fare due to the extra performance of the train (i.e., faster speed or fewer stops).” *Id.* 301-10.163. The FTR further provides:

When may I use extra-fare train service?

You may use extra fare train service whenever your agency determines it is more advantageous to the Government or is required for security reasons. The use of the lowest class of service available on any [Amtrak] Acela or Metroliner train service (including Acela Express) is deemed advantageous to the Government and no further agency approval is needed. On the Amtrak Acela Express or Metroliner train service, the lowest available class is business and on the Amtrak Regional train service the lowest available class of service is coach. [Amtrak] Acela and Metroliner first-class accommodations may be authorized/approved only as provided in § 301-10.162.

Id. 301-10.164.

HHS has the authority under FTR 301-10.164 to reimburse Mr. Raheem for his rail fare on an Acela train. FTR 301-10.164 states that travel on the lowest available class on an Amtrak Acela or Metroliner train is deemed advantageous to the Government with no requirement for further agency action to approve such travel. Mr. Raheem traveled business class on an Acela train, which is the lowest available class, so his rail travel was authorized under FTR 301-10.164.

HHS erroneously argues that Mr. Raheem's travel was not authorized under FTR 301-10.162. But, that FTR section only applies to first class travel, which is not the case in this matter. Also, HHS errs in contending Mr. Raheem's travel on an Acela was an extra-fare rail service that required agency approval under FTR 301-10.164. As discussed above, business class travel on the Acela does not require further agency approval because it is deemed advantageous to the Government. Mr. Raheem is, consequently, entitled to reimbursement for his business class fare on an Acela train.

The claim is granted.

H. CHUCK KULLBERG
Board Judge