



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 26, 2010

CBCA 1797-TRAV

In the Matter of FRANCIS J. HEIDT

Francis J. Heidt, Renton, WA, Claimant.

Allison W. Ritman, Director, Office of Financial Reporting and Accountability, Federal Aviation Administration, Department of Transportation, Washington, DC, appearing for Department of Transportation.

McCANN, Board Judge.

Claimant, Francis J. Heidt, contends that he is entitled to his actual expenses incurred on temporary duty (TDY) travel where he traveled by privately owned vehicle (POV) when he was authorized to travel by common carrier.

Claimant's permanent duty station is the Federal Aviation Administration's (FAA's) Engineering Service Division at the Northwest Mountain Regional Office, Renton, Washington. From May 2009 through November 2009, he was assigned to a detail in Denver, Colorado. The authorized mode of travel for the detail was by privately owned vehicle (POV) from his home in Washington to Denver, Colorado, and back to Washington upon detail completion.

In October 2009, claimant was authorized a return trip home. Such a return trip is normally authorized for every sixty days of TDY travel. The Federal Aviation Administration Travel Policy (FAATP) covers travel for FAA employees. Section 301-10.6(c) of the FAATP allows for periodic return trips home, if justified, incident to an extended TDY assignment.

Claimant requested authorization to use a POV for his return trip home, and the request was denied. The approving official advised him that the authorized mode of travel was common carrier pursuant to FAATP section 301-10.62. Claimant prepared a constructive cost comparison for travel by common carrier versus POV. This comparison showed the cost to travel by common carrier would have been \$673.50 and that the cost to travel by POV was \$1485, a difference of \$811.50. Claimant resubmitted his travel authorization request for travel by common carrier showing the total estimated cost of travel to be \$673.50. The approving official approved the request. This approval notwithstanding, claimant traveled by POV. Upon completion of the return trip, claimant submitted a travel voucher for \$673.50, which was approved and paid.

Claimant is now claiming the difference between the cost of travel by POV and that by common carrier (\$811.50). He alleges that section 301-10.6(c) authorizes reimbursement of all of his actual expenses if he travels by POV even if he is authorized to travel only by common carrier. He also claims that, since he was authorized to travel by POV for his extended TDY travel, he should likewise be authorized to travel by POV for his interim return trip home.

While section 301-10.6(c) does authorize reimbursement of actual expenses for return trips, those expenses are limited to those expenses that would have been incurred if the traveler had used the authorized mode of travel. Section 301-10.300 states that a traveler “may always use a POV to perform official travel, but that the FAA will limit its reimbursement of travel expenses if the traveler is not authorized to perform travel by POV. . . .” Section 301-10.61 governs the mode of transportation that will be authorized by the agency for the return trip. It states, “FAA must select the mode most advantageous to the Government, cost and other factors considered.”

FAATP section 301-10.312 addresses reimbursement of travel costs when a traveler is authorized to travel by common carrier, but chooses instead to travel by POV. This section states: “You will be reimbursed on the basis of the actual travel performed, including subsistence, not to exceed the total constructive cost of the authorized method of common carrier transportation including subsistence.” Contrary to claimant’s contention, FAATP section 301-10.6(c) does not require that he be reimbursed all of his actual costs of traveling by POV when he was authorized to travel only by common carrier.

The fact that claimant had been authorized round trip POV travel to and from his extended TDY has no bearing on the mode of travel that he was authorized to use for his trip which occurred during the TDY. The authorization to use POV travel on one trip does not require that POV travel be authorized for another trip. Those two travels are separate and distinct and do not bear on one another. Claimant’s position here lacks merit.

The claim is denied.

R. ANTHONY McCANN
Board Judge