



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 29, 2010

CBCA 1703-TRAV

In the Matter of JUAN G. MEDINA

Juan G. Medina, Bremerton, WA, Claimant.

Judy Hughes, Standards and Compliance, Finance Mission Area-Travel Pay, Defense Finance and Accounting Service, Columbus, OH, appearing for Department of Defense.

VERGILIO, Board Judge.

Claimant, Juan G. Medina, seeks additional compensation for costs incurred relating to temporary duty assignments as a civilian intern with the Naval Acquisition Career Center. At his temporary duty station in the Washington, D.C., metropolitan area, beginning on the first day of an eighty-eight day assignment (February 17, through May 15, 2009), claimant entered into a long-term lease of an apartment, with monthly payments (\$1670/month). Claimant also rented furnishings by the month (\$388.49/month). During that period, he received a non-consecutive eighty-nine day temporary duty assignment to the same location (beginning June 1, 2009). During the interval between assignments he returned to his permanent duty station. Claimant retained the apartment and rented furnishings during the interval, as it was less costly than incurring start-up fees and charges for closing and reestablishing accounts. The National Undersea Warfare Center Division Keyport did not reimburse claimant for lodging-related costs allocated to the half-month the claimant was not in temporary duty status. Claimant seeks payment of \$1029.24, for the lodging-related costs (\$835 and \$194.24 for one-half month rental costs of the apartment and furnishings, respectively) he incurred for which he has not been compensated.

The applicable Federal Travel Regulation (FTR) details how reimbursements are to be made when lodging is rented on a long-term basis:

When you obtain lodging on a long-term basis (e.g., weekly or monthly) your daily lodging rate is computed by dividing the total lodging cost by the number of days of occupancy for which you are entitled to per diem, provided

the cost does not exceed the daily rate of conventional lodging. Otherwise the daily lodging cost is computed by dividing the total lodging cost by the number of days in the rental period. Reimbursement, including an appropriate amount for M&IE [meals and incidental expenses], may not exceed the maximum daily per diem rate for the TDY [temporary duty] location.

48 CFR 301-11.14 (2009). Further detail is provided in the applicable Joint Travel Regulations (JTR) (which also contain an illustrative example):

When a traveler obtains lodging on a weekly, monthly, or longer term basis, the daily TDY lodging cost is computed by dividing the total periodic (e.g., weekly, monthly) lodging cost by the number of days the traveler is authorized the lodging portion of per diem (62 Comp. Gen. 63 (1982)).

This computation presumes that the traveler acts prudently in renting by the week or month, and that the GOV'T cost does not exceed the cost of renting conventional lodgings at a daily rate.

JTR C4555.G.

As the Defense Finance and Accounting Service Columbus Center aptly states in its response to this claim, the Government must make determinations and calculations in accordance with the regulations. Details of the actual approved daily rate and payments made are not in the present record, although the record suggests that certain officials deemed the long-term rental to be a prudent action. Claimant is entitled to have his reimbursement premised upon determinations and calculations made pursuant to the cited regulations.

JOSEPH A. VERGILIO
Board Judge