UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

September 30, 2011

CBCA 2402-TRAV

In the Matter of CAROLYN K. BROWN

Carolyn K. Brown, Cantonment, FL, Claimant.

Mathew W. Ponzar, Associate General Counsel, Headquarters, Human Resources Activity, Department of Defense, Arlington, VA, appearing for Department of Defense.

BORWICK, Board Judge.

The Department of Defense, agency, seeks reconsideration of our decision in *Carolyn K. Brown*, CBCA 2402-TRAV, 11-2 BCA ¶ 34,796. Familiarity with our prior decision is assumed. For the reasons below, we deny the agency's motion.

The agency sought to specify a reduced per diem rate and the lodging at which claimant was to stay. The agency also sought to impose a group-use condition for use of a rental car, with claimant responsible for organizing the group. Claimant had tried to organize a group for use of the car, but circumstances outside of her control prevented her from doing so. Upon claimant's submission of the travel voucher, the agency reimbursed claimant for her vouchered lodging expenses. The agency, however, refused to reimburse claimant any expenses for transportation between the airport and hotel, and between the hotel and the temporary duty (TDY) site.

Claimant submitted a claim to the Board challenging that determination. We held that claimant was entitled to reimbursement of the rental car expense up to the constructive cost of travel by an authorized method of conveyance.

The agency seeks reconsideration of our decision, arguing that no method other than the group-use of a rental car was approved on the travel authorization and that we have consequently misapplied the cases involving use of the constructive cost method of reimbursement.

Discussion

Board Rule 407 provides that "mere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration." The agency re-argues points already made and has not persuaded us that reconsideration is warranted. As we explained in our original decision, the Joint Travel Regulations (JTR) in effect at the time of claimant's travel, and in effect today, state that use of taxicabs between transportation terminals, lodging, and the TDY station "is authorized." JTR C2101. The JTR thus recognize that if an employee's TDY travel is approved, the agency must reimburse that employee for his or her expenses for local transportation at the TDY site, with taxicabs being the standard method of conveyance. The agency ties its denial of claimant's local travel expenses to claimant's refusal to stay at the lower-priced hotel at the reduced per diem rate. The agency, for the reasons stated in our original decision, reimbursed claimant for her hotel expenses, thus validating her lodging choice. With valid lodging, claimant is entitled to the cost of local travel. The result likely would have been different had the agency followed regulation and received the necessary approvals for the reduced per diem rate.

Moreover, despite the dispute over lodging, claimant made a good faith effort to form a group to use the rental car. She was not successful, for reasons stated in the original decision. If the conditions for rental-car use stated in the individual travel authorization were not capable of being fulfilled, as was the case here, claimant is entitled to at least reimbursement of local TDY travel expenses up to the constructive cost of the method pre-authorized by the JTR.

Decision

The agency's motion for reconsideration is denied.

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ANTHONY S. BORWICK
Board Judge