



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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November 1, 2011

CBCA 2551-TRAV

In the Matter of HARRY JOHN HALVERSON

Harry John Halverson, Albuquerque, NM, Claimant.

Sandra Detter, Director, National Employee Development Center, Natural Resources Conservation Service, Fort Worth, TX, appearing for Department of Agriculture.

**BORWICK**, Board Judge.

Claimant, Harry John Halverson, is an employee of the Department of Agriculture, Natural Resources Conservation Service (NRCS). Claimant challenges the agency's reduction in lodging and meals and incidental expense (M&IE) reimbursement for his long-term temporary duty (TDY) assignment. We deny the claim, as the agency complied with the requirements of the Federal Travel Regulation (FTR) and the agency's implementing General Manual.

Background

The agency sent claimant on long-term TDY from his permanent duty station in Portland, Oregon, to Albuquerque, New Mexico, with occasional TDY rotations between Albuquerque and the cities of Twin Falls, Idaho, and Cortez, Colorado. The TDY commenced on or about August 8, 2011, and continues. In this regard claimant says he will be in TDY status until March 2013.

Before authorizing the TDY, the agency arranged for hotels with kitchen facilities in Albuquerque, at a reduced rate of \$29.95 per day. Consequently, for claimant's TDY in

Albuquerque, the initial travel authorization, and subsequent ones as well, authorize a maximum lodging rate of \$36 per day, which is a reduction from the General Services Administration's (GSA's) standard maximum lodging rate of \$81 per day for the Albuquerque area, and a M&IE rate of \$31 per day, which is approximately 55% of the GSA standard rate of \$56 per day for the Albuquerque area.

Claimant notes that the accommodations at the agency-selected hotels, although having a microwave oven and two-burner stove top, as well as "basic pots, dishes and utensils," lacked "an oven or many of the pots and utensils, seasonings and condiments to prepare a proper meal." Claimant states that he used personal funds to purchase suitable seasonings, condiments, and pots during his TDY.

### Discussion

The FTR provides in pertinent part:

#### **Under what circumstances may my agency prescribe a reduced per diem rate lower than the prescribed maximum?**

Under the following circumstances:

- (a) When your agency can determine in advance that lodging and/or meal costs will be lower than the per diem rate; and
- (b) The lowest authorized per diem rate must be stated in your travel authorization in advance of your travel.

41 CFR 301-11.200 (2011).

The NRCS General Manual provides in pertinent part:

#### **Extended Travel**

The following apply to travelers in short or long-term extended TDY travel status of 30 days or more.

(1) If an employee will be on a short or long-term detail and it is known in advance that he or she will be in lodging with kitchen facilities, per diem will be reduced to 55 percent of the meals and incidental expenses (M&IE) rate and this will be noted on the authorization.

NRCS General Manual ¶ 404.20.

Claimant challenges the agency's reduction in both lodging and M&IE. This Board and our predecessor board for resolving travel and relocation claims, the General Services Board of Contract Appeals, have recognized that when an agency arranges in advance for reduced-rate hotel accommodations with kitchen facilities at the TDY site, it may also reduce the M&IE expense rate by a stated percentage since the traveler is able to prepare meals at the lodging. We noted that reduced-rate lodging and an employee's ability to prepare meals in the lodging supports the agency's advance determination that a reduction in per diem rates is reasonable and not an abuse of discretion. *Deatrice S. Patterson Besong*, CBCA 474-TRAV, 07-1 BCA ¶ 33,508; *see also Patrick S. Twohy*, GSBCA 15491-TRAV, 01-1 BCA ¶ 31,408 (citing with approval those cases involving a 45% reduction in the M&IE rate when reduced rate lodging had been approved in advance).

In this matter, the agency took care before claimant's TDY to negotiate long-term and reduced-rate lodging in GSA-approved hotels with kitchen facilities at claimant's TDY location. On the travel authorizations, the agency stated the reduction from the standard lodging per diem and standard M&IE rate. This is all the law requires. Having arranged in advance for reduced-rate lodging with kitchen facilities, the agency's across-the-board reduction of 45% in its General Manual is neither a violation of law nor arbitrary or capricious. The regulatory scheme does not, as claimant urges, require agency supervisors to conduct further elaborate area studies to determine a "proper" percentage of the standard GSA M&IE rate when they, as here, have made reduced rate arrangements and have indicated those arrangements on the travel authorization.

Similarly, claimant's personal tastes in suitable condiments and the number of proper pots to prepare meals does not render the agency's actions illegal or a violation of law. The agency has contributed to such purchases in the payments made. We have considered the remainder of claimant's arguments and find them unpersuasive.

Decision

The Board denies the claim.

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ANTHONY S. BORWICK  
Board Judge