



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 18, 2011

CBCA 2417-TRAV

In the Matter of DIANE M. BALDERSON

Diane M. Balderson, Hollywood, MD, Claimant.

Trever Henson, Back-up Team Lead, National Travel Support Team, Naval Air Systems Command, Patuxent River, MD, appearing for Department of the Navy.

GOODMAN, Board Judge.

Claimant, Diane M. Balderson, is a civilian employee of the Department of the Navy. The agency has denied her reimbursement of certain costs incurred in anticipation of temporary duty (TDY) travel that was canceled as she traveled to the airport. Claimant asks this Board to review the agency's denial of her claim.

Factual Background

Claimant was scheduled for TDY travel from her permanent duty station in Hollywood, Maryland, to Wright Patterson Air Force Base, Dayton, Ohio, on January 5, 2011. The day before her scheduled travel she printed her boarding pass and paid a checked baggage fee of \$25 via the airline's website. The next day when she was en route to the airport she received a phone call canceling her TDY, so that she could assist the Assistant Secretary of the Navy at a meeting on Capitol Hill.

Claimant submitted a travel voucher requesting reimbursement of the \$25 baggage fee, which was not refundable from the airline. The agency denied reimbursement, citing Joint Travel Regulation (JTR) C4606, which reads:

B. Personal Preference/Convenience. A traveler is financially responsible for excess costs and additional expenses incurred for personal preference/convenience.

The agency states that “since US Airway’s website states that checking baggage on-line does not save money,^[1] it is deemed that Ms. Balderson checked her baggage the night before for convenience and the JTR states that a traveler is financially responsible for excess costs and additional expenses incurred for personal preference/convenience. . . . If the traveler had not checked her bag on-line (for personal convenience) there would not have been an expense.”

Discussion

Non-refundable fees resulting from cancellation of travel plans have been held to be reimbursable if the cancellation was the result of a legitimate change in government requirements and the employee acted with reasonable prudence. *See William J. Dearing*, GSBICA 14578-TRAV, 98-2 BCA ¶ 29,858, and cases cited therein. In this instance, claimant’s travel was canceled as the result of a legitimate change in government requirements.

Claimant would have incurred the baggage fee as a necessary travel expense whether paid in advance or at the airport. Cancellation of TDY under these circumstances does not convert a necessary expense to an excess cost or additional expense within the purview of the JTR provision relied upon by the agency, even if that expense is non-refundable. Claimant’s advance purchase of the baggage fee was reasonably prudent. The agency’s suggestion that advanced payment was for personal convenience and claimant should have waited to pay the fee at the airport is contrary to the reality of current travel conditions.

¹ The claimant states that the agency is incorrect, in that the fee for checking a bag at the airport is \$35, and to check the bag in advance online is not a personal preference but in the interest of the Government. We do not resolve this case based on the savings, if any, to the Government.

Decision

The claim is granted.

ALLAN H. GOODMAN
Board Judge