



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

November 17, 2011

CBCA 2563-TRAV

In the Matter of SCOTT R. WILSON

Scott R. Wilson, Monterey, CA, Claimant.

Samantha Wills, Travel Specialist, Naval Postgraduate School, Department of the Navy, Monterey, CA, appearing for Department of the Navy.

GOODMAN, Board Judge.

Claimant, Scott R. Wilson, was a student intern for the Naval Postgraduate School during the time applicable to this claim. He asks this Board to review the agency's denial of reimbursement of lodging costs while he was on temporary duty (TDY) travel.

Background

Claimant was a student intern who was issued travel orders to travel on TDY to Camp Robert, California, to participate in a government-sponsored research project. After his travel, claimant received a receipt from the online booking agent which itemized the charges for his lodging as follows:

August 1, 2011 - Room Rate	\$189
August 2, 2011 - Room Rate	\$189
August 3, 2011 - Room Rate	\$189
August 4, 2011 - Room Rate	\$189
August 5, 2011 - Room Rate	\$239
Taxes and Fees	\$114.50
Total Charge	\$1095.50

When claimant submitted his voucher for reimbursement, the agency denied reimbursement for lodging, based upon the following provisions of the Joint Travel Regulations (JTR):

8. On-Line Booking Tool. Despite any savings realized through online booking agents, subject to Service requirements the CTO should be used for lodging arrangements or the traveler should reserve a room directly with the hotel/chain. *Lodging reimbursement is not authorized for hotel lodging obtained through online booking agents unless an itemized receipt from the hotel is provided.* (Emphasis in original)

Appendix O, T4040.

The agency denied reimbursement of the entire amount of \$1095.50 for the following reasons:

1. The receipt is not valid, as it was from a third-party booking agency.
2. The receipt is not in the claimant's name.
3. The name listed on the payment summary from the third-party booking agent was not his name.
4. The rate paid exceeded the \$121 authorized per diem rate.
5. There are taxes and fees combined together in which the service fees are not reimbursable.
6. He should have been aware of the regulations through the agency's website and the travel assistant who works in his department.

Claimant explains that he was a high school student and that this was the first time he traveled on government orders. He made his travel arrangements himself on July 28, 2011. When he made his hotel reservations, he believed he was speaking directly with the hotel, but later realized he was speaking to a third-party booking agency. He had to use his father's credit card to guarantee the reservation. That is why the receipt and the payment summary contained his father's name, not his. He also states that his immediate supervisor authorized him to reserve a room with a rate in excess of the maximum government per diem lodging rate as he was registering after all rooms available at the government rate had been reserved. His supervisor has submitted a statement that he had authorized the rate in excess

of the maximum per diem, since “we sometimes have to pay more” if all rooms at the government rate are previously reserved. He also states that the costs incurred by claimant were “legitimate and required to complete the mission.” However, the Travel Authorizing Official has also filed a statement asserting that no request for actual expenses for lodging was made to him, and that is why he did not approve the request for reimbursement.

Discussion

The Board recently issued an advance decision addressing a similar factual situation and the above-quoted provision of the JTR. In *Scott M. Torrice*, CBCA 2431-TRAV (Sept. 13, 2011), the employee, like the claimant in this case, booked his lodging through an online booking service and produced an itemized list indicating daily rates for the hotel room and a combined amount for taxes and fees. We stated that, in light of the statutory requirements of 5 U.S.C. § 5702(a)(1) (2006), this Board has recognized that “[a] government traveler on TDY is entitled to reimbursement for his or her lodging costs as a matter of statutory right.” *Mark J. Lumer*, CBCA 2169-TRAV, 11-2 BCA ¶ 34,780, at 171,165. Additionally, we noted that this Board has recognized that a traveler can prove his or her lodging expenses by other means when it is impractical to obtain a receipt. We held that an itemized receipt from an online booking agent was sufficient to prove lodging expenses.

In *Lumer*, as in the instant case, the employee’s itemized receipt showed a daily room rate for each day, but contained a lump sum for taxes and fees. We held that the employee should be reimbursed for the daily rate charged for the room and the taxes, as taxes are also reimbursable under the Federal Travel Regulation. *See* 41 CFR 301-11.27 (2011). As the taxes and other fees were totaled together, the employee was required to submit additional information to the agency to determine the exact amount of reimbursable taxes.

In this case, there is an additional issue that must be resolved. Claimant asserts, and his supervisor confirms, that his supervisor authorized reimbursement of actual room rates in excess of the prescribed maximum per diem because rooms were not available at that rate. The authorized travel official has stated that he received no request for authorization of rates in excess of the per diem. If there was an intent to include authorization for actual room rates, the travel orders may be amended to include this authorization that was inadvertently omitted, and the actual rates may be reimbursed. *Donald N. Striejewske*, CBCA 2029-RELO, 10-2 BCA ¶ 34,469.

Decision

Claimant is entitled to reimbursement of his lodging costs at the maximum per diem lodging rate of \$121 and taxes incurred on a room at that rate. Claimant must supply information as to the amount of taxes actually paid in order to be reimbursed for taxes. If it was the agency's intent to authorize reimbursement of actual room rates, the travel orders may be amended to include this authorization, and claimant may be reimbursed accordingly.

ALLAN H. GOODMAN
Board Judge