



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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August 28, 2012

CBCA 2852-TRAV

In the Matter of GLENN N. WILSON

Glenn N. Wilson, St. Inigoes, MD, Claimant.

Bonnie Petree, Travel Department Supervisor, Naval Air Warfare Center Aircraft Division, Department of the Navy, Patuxent River, MD, appearing for Department of the Navy.

**BORWICK**, Board Judge.

In this matter, the Department of the Navy, agency, refused to pay Glenn N. Wilson, claimant, excess rental car charges for his use of a rental car to drive from Phoenix, Arizona, to Tucson, Arizona, in connection with his authorized temporary duty travel (TDY) in Tucson. We conclude that the agency correctly applied the Federal Travel Regulation (FTR) in denying claimant the excess rental car charges because claimant's use of a rental car for the drive from Phoenix to Tucson was not authorized. Only authorized expenses may be reimbursed under the FTR.

Background

On March 30, 2012, claimant was authorized eight days of TDY from his Permanent Duty Station in Patuxent River, Maryland to Tucson, Arizona and Sierra Vista, Arizona, commencing on April 14, 2012. Among other reimbursable expenses, the authorization provided for a rental car "I/A [in and around] TDY."

Claimant booked a regularly-scheduled flight through the agency's commercial travel office (CTO) from Baltimore-Washington International Airport (BWI) to Tucson. Claimant

missed his flight to Tucson, which was scheduled to arrive in Tucson at noon on April 14. Claimant explains that he was delayed for about an hour, forty-five minutes of the delay being caused by an accident on I-95, the main highway leading to BWI, and an additional twenty to twenty-five minute delay caused by under-staffing at a rental car counter for a rental car return. Instead of re-booking a flight through the CTO, claimant booked another flight directly with the airline. The next flight to Tucson arrived at 6:00 p.m. that day, which was unacceptable to claimant, so he booked a flight to Phoenix, which arrived at 2:00 p.m.

Upon arriving in Phoenix, claimant hired a rental car and drove to Tucson. The agency had estimated claimant's rental car cost for a rental car in and around the TDY site to be \$567. For the total trip from Phoenix and at the TDY site, the rental car company charged claimant \$1339.68, which consisted of a weekly rental fee of \$696; a mileage charge of \$235; and a Government administrative rate supplement of \$35. The subtotal was \$966. The rest of the charge was for various fees and taxes.

Claimant says the drive from Phoenix to Tucson was one hour and fifteen minutes. There are hourly shuttles between the Phoenix and Tucson airports that cost \$45 for same day service and are scheduled for a duration of one hour and forty-five minutes.

Claimant submitted a voucher for the full rental car charge of \$1339.68. The agency disallowed \$772.68 of that amount as excess rental car expenses. Claimant then persuaded the rental car company to reduce the charge by \$250, resulting in the reduced claim of \$522.68.

### Discussion

The FTR, in its question and answer format, provides in pertinent part:

**When and from whom may I rent a vehicle for official travel when authorized?**

(a) Your agency must determine that use of a rental vehicle is advantageous to the Government and must specifically authorize such use.

41 CFR 301-10.450 (2011). Here the agency determined that claimant's use of a rental car for use in and around Tucson was advantageous to the Government. Use of a rental car to drive between Phoenix and Tucson was not authorized by the agency. Generally, a federal employee on TDY must have written authorization before incurring any expense. 41 CFR 301-2.1. The expense of a rental car between Phoenix and Tucson was not authorized and the agency acted correctly in refusing to reimburse the excess rental charges. Furthermore,

prudence required that claimant consider other, less expensive means, such as the shuttle service, of getting to Tucson from Phoenix. 41 CFR 301-2.3.<sup>1</sup> The record does not demonstrate the business necessity of claimant's incurrence of the extra rental car expense.

Decision

The claim is denied.

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ANTHONY S. BORWICK  
Board Judge

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<sup>1</sup> That regulation provides:

**What standard of care must I use in incurring travel expenses?**

You must exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.