



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 5, 2012

CBCA 2781-TRAV

In the Matter of ORLANDO SUTTON

Orlando Sutton, Huger, SC, Claimant.

Thelma Strong, Acting Chief Financial Officer, Forest Service, Department of Agriculture, Washington, DC, appearing for Department of Agriculture.

SHERIDAN, Board Judge.

Citing “grave concerns” about the Board’s decision issued on May 30, 2010, claimant objects to the Board’s decision denying his claim for privately-owned vehicle (POV) mileage from his residence to his official duty station for the purpose of obtaining a government-owned vehicle (GOV). We have treated claimant’s objections as a request for reconsideration of our decision.

Background

Claimant avers that the Board was wrong when it characterized the Saturday in issue as a “scheduled workday,” as the Saturday was not his “normal” workday. Claimant acknowledges that when he works on Saturdays it has been for “special circumstances” for which he is compensated. Claimant admits that the Saturday in issue was “a scheduled day for a work activity.” He was compensated for working that day. However, claimant asserts that by working on the Saturday he incurred additional milage expenses.

Discussion

Claimant complains that he was not provided the agency's comments and that had he received them his response would have been that he worked no regularly scheduled Saturdays in the past ten years. He asserts that because the Saturday he worked was not a day in which he would normally work, he incurred extra expenses for the commute. Claimant requests that the decision be voided "until I am properly allowed due process under applicable procedures."

Claimant offers no facts that would create an exception to the application of longstanding case law to this claim. Whether the Saturday in issue was a "normal" workday is immaterial to the decision. The fact of the matter is, the Saturday was a scheduled workday for which claimant received compensation. Because claimant's trip to and from his official duty station is considered "personal time," he is not entitled to be compensated mileage for the commute, be it made on a "regularly" scheduled workday, a "specially" scheduled workday, or as claimant characterizes it, "a scheduled day for a work activity."

Claimant has not stated any grounds for reconsideration. Under the circumstances here the agency may not reimburse claimant for mileage expenses incurred in commuting to and from his official duty station.

Decision

Reconsideration is denied.

PATRICIA J. SHERIDAN
Board Judge