



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 26, 2012

CBCA 2470-TRAV

In the Matter of MARC V. DINGER

Marc V. Dinger, Honshu, Japan, Claimant.

Michael C. Versace, Director, Travel Operations, Defense Finance and Accounting Service, Rome, NY, appearing for Department of the Army.

SOMERS, Board Judge.

Claimant, Marc V. Dinger, a civilian employee of the Department of the Army, contests the agency's determination that it could not reimburse him for the use of frequent flyer miles to purchase airline tickets. We sustain the agency's determination in part. We find that the agency owes Mr. Dinger \$145.80 for the taxes and fees incurred incident to the purchase of the three airline tickets.

Background

On March 11, 2011, Japan experienced an earthquake and tsunami that devastated the northeast coast of Japan. Dependents of employees of the United States stationed in Japan were authorized to voluntarily evacuate the island. Under the order, dependents who left Japan during this period would be reimbursed for transportation expenses that occurred between March 16 and April 15, 2011, under certain specified conditions.

Mr. Dinger's family elected to evacuate. They used frequent flyer miles to obtain their tickets, and flew from Japan to Los Angeles on March 20, 2011. They paid a surcharge of \$145.80 in conjunction with the purchase of the tickets.

Afterward, Mr. Dinger contacted a representative of the Defense Finance and Accounting Service and asked whether he could be reimbursed for the use of frequent flyer miles for air travel. When told that he could not be reimbursed, he submitted his travel voucher without requesting airfare reimbursement.

Mr. Dinger filed a request for reimbursement with the Board on June 27, 2011. The agency responded to the request. In a letter dated July 6, 2011, addressed to Mr. Dinger, the agency denied Mr. Dinger's request on the ground that the agency would only reimburse for actually incurred expenses.

Discussion

By statute, the Government can pay the transportation expenses of an employee's dependents to a safe haven location when an evacuation is authorized. 5 U.S.C. § 5725 (2006). The travel and transportation expenses for dependents authorized to depart the permanent duty station are to be paid in accordance with the Joint Travel Regulations (JTR) for temporary duty (TDY) travel. JTR C6200, para. 631.

Government travelers who have acquired airline tickets for their TDY by redemption of frequent flyer miles or coupons acquired on personal travel may not be reimbursed for the supposed value of the tickets because of: (1) the subjectivity that would be involved in ascertaining the value of frequent flyer miles or coupons, (2) the problems of control and accountability in allowing reimbursement for frequent flyer miles and coupons, and (3) the lack of guidance in statute and regulation on how to value such items. *Robert B. Barnes*, CBCA 2073-TRAV, 10-2 BCA ¶ 34,555; *Richard J. Maillet*, GSBCA 16446-RELO, 05-1 BCA ¶ 32,910; *Lawrence Baranski*, GSBCA 15636-TRAV, 02-1 BCA ¶ 31,684 (2001). In other words, in the absence of specific statutory or regulatory guidance, it is not possible to conclude that an employee who redeemed frequent flyer miles or a coupon to obtain a ticket for government travel actually incurred an expense, and it is not possible, with any certainty, to ascertain the amount of the expense.

In this case, however, Mr. Dinger did incur an actual expense for the purchase of the tickets. The record contains receipts for each ticket, and these receipts indicate that Mr. Dinger paid \$48.60 in taxes and fees per ticket, for a total of \$145.80. Mr. Dinger is entitled to be reimbursed for the taxes and fees paid for each ticket. *Maillet*, 05-1 BCA at 163,039 (board found that the agency properly reimbursed claimant for taxes incurred but not for the value of the tickets obtained through the use of frequent flyer miles).

Decision

For the reasons set forth above, we sustain the agency's determination in part. We conclude that the agency properly denied Mr. Dinger's claim for reimbursement of the constructive value of the airline tickets purchased using frequent flyer miles. However, the agency owes Mr. Dinger \$145.80 for the taxes and fees incurred incident to the purchase of the three airline tickets.

JERI KAYLENE SOMERS
Board Judge