



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 2, 2012

CBCA 2500-TRAV

In the Matter of DORIS J. WILLIAMS

Doris J. Williams, Dumfries, VA, Claimant.

Helen J.S. White, Assistant General Counsel, Defense Commissary Agency, Department of Defense, Fort Lee, VA, appearing for Department of Defense.

STERN, Board Judge.

Claimant, Doris J. Williams, requests that this Board review the denial by the Defense Commissary Agency (DCA) of the Department of Defense of claimant's request for a travel authorization to attend mandatory training classes.¹

Background

Claimant is a civilian employee of DCA. She maintains a permanent residence in Dumfries, Virginia. Claimant's permanent duty station is at Fort Lee, Virginia. She commutes over one hundred miles to Fort Lee from her home.

Claimant attended an official training course at Fort Belvoir, Virginia, from July 11 to July 29, 2011. DCA refused to issue her a travel authorization for this training upon the rationale that the location of her training was within the local commuting area of her residence. Fort Belvoir is sixteen miles from claimant's home in Dumfries.

¹ DCA requests that we dismiss this claim on the basis that the claim is premature as claimant has failed to first file her claim with DCA. We deny DCA's request on the basis that DCA's denial of claimant's request that DCA issue her a travel authorization was a determination by DCA to deny a claim regarding the matter before us.

Claimant seeks per diem during the period of her training and transportation costs from Fort Lee to Fort Belvoir, a distance of approximately 125 miles.

Discussion

As a civilian employee of the Department of Defense, claimant is subject to the provisions of the Joint Travel Regulations (JTR).

The JTR prohibits the authorization of per diem within the vicinity of the employee's residence from which the employee commutes. JTR C4552-C.1. Transportation expenses incurred by an employee conducting official business in a temporary duty (TDY) area may be authorized. JTR C2400. However, transportation expenses are not authorized to be paid where the distance from the residence to the temporary duty station is less than the distance from the residence to the permanent duty station. *See Arthur V. Bohlinger*, GSBCA 15802-TRAV, 03-1 BCA ¶ 32,067 (2002). The JTR provides the following example:

The traveler ordinarily commutes by POC [privately owned conveyance] and the one-way commuting distance to the PDS [permanent duty station] is 15 miles. The traveler drives from the residence to the alternate work site (5 miles). The traveler returns to the residence (5 miles). The traveler **is not** authorized TDY mileage for the travel performed (10 miles), since the distance traveled is less than the ordinary round trip commuting distance (30 miles) to the usual duty site.

JTR C2401-E.

Here, claimant's regular commute to her permanent duty station is approximately 100 miles. The distance that claimant traveled from her house to her temporary duty station was only sixteen miles. Claimant's residence was in the vicinity of her temporary duty station and the distance from her home to her temporary duty station was less than her ordinary commute. The regulations prohibit the payment of per diem and travel expenses under these circumstances.

Decision

The claim is denied.

JAMES L. STERN
Board Judge