



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 3, 2013

CBCA 3296-TRAV

In the Matter of JEFFREY M. EIG

James J. Osgood, Associate General Counsel, Federal Law Enforcement Officers Association, Bardonia, NY, appearing for Claimant.

James E. Hicks, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Springfield, VA, appearing for Department of Justice.

MCCANN, Board Judge.

Jeffrey M. Eig, claimant, has appealed the Drug Enforcement Administration (DEA) determination of a debt in the amount of \$3167.45 incurred because claimant expended more in rest and recuperation (R&R) travel costs than was authorized by regulation. For the reasons set forth below, we deny claimant's challenge to the agency determination.

Background

Claimant is an employee of the DEA assigned to the Bangkok, Thailand. He and his family were entitled to R&R travel. Instead of choosing to travel to his designated relief point of Sydney, Australia, he chose to travel to a "selected city" in the United States. The city he chose was St. Petersburg, Florida. Accordingly, the agency authorized funding for travel to Tampa, Florida.¹

¹ According to the agency, because of their proximity, Tampa and St. Petersburg are considered interchangeable for purposes of this discussion.

Claimant and his family traveled from Bangkok to Washington, D.C., with intermediate stays in Seattle, Washington, and Tampa, Florida. He submitted an \$11,747.85 travel voucher for the airfare, which was paid in full by agency. An audit was later conducted of his voucher, which found that claimant's travel expenses exceeded the cost of travel round-trip to Tampa. The agency informed claimant that an overpayment had been made and requested reimbursement for the resulting difference, in the amount of \$3167.45.

On September 28, 2012, claimant was notified of this debt. He filed an appeal with the agency on October 26, 2012. The agency denied his appeal on January 24, 2013. He asks this Board to reverse the agency's determination. He contends that his reimbursement should be allowed up to the cost of round-trip travel to his designated relief point, Sydney, Australia.

Discussion

The United States Department of State Foreign Affairs Manual (FAM), on which the DEA Foreign Orientation Handbook is based, states that eligible employees and their families may go on R&R travel abroad to designated relief points and be reimbursed. 3 FAM 3725.3 (Travel to Relief Point Abroad). Employees may also travel to an alternate relief point, but if they do, reimbursement is limited to round-trip travel costs to the designated relief point. 3 FAM 3725.3-1. The FAM also allows for travel to a single, selected city in the United States or one of its territories. "If this option is selected, the travelers may travel to their selected city ... by utilizing round-trip contract fares when available, or the most beneficial economy airfare as determined by post. The employee may use the selected city . . . as the basis for cost-constructive travel to other additional cities in the United States or U.S. territories, but the selected city is the only destination to be put on the travel authorization." 3 FAM 3725.3-2(a).²

Since the selected city is on the travel authorization, and since the cost of travel to it is the basis for the cost-constructive travel to all U.S. cities visited, the maximum that is allowed is the cost-constructive, round-trip travel to the selected city. Claimant's reimbursement is limited to the round-trip cost to Tampa, Florida.

Claimant further contends that the agency improperly used the cost of round-trip travel between Bangkok and Tampa based upon rates in effect a year after claimant booked his travel. This contention lacks merit. Claimant has not shown that any other calculation of

² Reimbursement for the cost of travel to the selected city is not limited to the round-trip travel cost to the designated relief point.

airfare costs to Tampa would be more accurate than the one used by the agency. We have considered claimant's other arguments and find that they either lack merit or have no relevancy.

The agency is correct that claimant is limited to recovery for the cost of constructive round-trip airfare from Bangkok, Thailand to Tampa, Florida.

Decision

For these reasons, claimant's challenge to the agency determination is **DENIED**.

R. ANTHONY McCANN
Board Judge