



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 3, 2013

CBCA 3243-RELO

In the Matter of BENJAMIN C. BRDLIK

Benjamin C. Brdlik, Manteo, NC, Claimant.

C. Bruce Sheaffer, Comptroller, National Park Service, Department of the Interior, Washington, DC, appearing for Department of the Air Force.

VERGILIO, Board Judge.

The agency reimbursed the claimant at greater than the standard per diem rate for en route travel during a permanent change of station. The claimant disputes the agency's demand for repayment of daily amounts in excess of the standard rate. Regulation limits the claimant's reimbursement to the standard rate; the claimant is not entitled to actual costs incurred or additional reimbursement when lodging costs exceeded the standard rate. The Board denies the claim for increased compensation; the claimant is obligated to repay the money to which he is not entitled.

Benjamin C. Brdlik, claimant, undertook en route travel during a permanent change of station within the continental United States in July 2012. The agency had authorized relocation expenses for the claimant. The claimant incurred lodging expenses in excess of the standard rate of \$77 on some nights. The claimant sought and was reimbursed for excess expenses. The agency has concluded that the claimant was not entitled to daily lodging expenses in excess of the standard rate. The agency requires the claimant to repay \$82.92.

The Federal Travel Regulation (FTR), 41 CFR 302-4.200 (2012) (FTR 302-4.200), specifies that an employee's per diem for en route relocation travel between the old and new official stations will be at the standard CONUS (continental United States) rate, with reimbursement to be made in accordance with FTR 301-11.100 through 301-11.102. An employee recovers actual lodging costs not to exceed the maximum lodging rate. FTR 301-11.100. Here, the daily maximum rate is the standard rate, or \$77. The claimant is not

entitled to retain payment for amounts in excess of this daily rate. The claimant must repay the agency the excess of \$82.92.

The claimant contends that (1) lodging costs were at a premium during the summer travel, (2) costs could have been higher because he was transporting a dog, (3) he drove more than the minimum required each day, but within the maximum established by the agency, resulting in fewer days of lodging at agency expense, and (4) while en route, he contacted his supervisor who supported his being reimbursed his actual lodging expenses. These factors do not provide a basis for payment. Reimbursement is limited by the regulation. The agency has properly interpreted and applied the regulation in finding the claimant liable for repayment.

The Board denies the claim.

JOSEPH A. VERGILIO
Board Judge