



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 22, 2014

CBCA 3440-TRAV

In the Matter of MICHAEL W. CHEN

Michael W. Chen, New York, NY, Claimant.

Phillip D. Hendrick, Acting Chief, Travel Section, National Finance Center, Customs and Border Protection, Department of Homeland Security, Indianapolis, IN, appearing for Department of Homeland Security.

HYATT, Board Judge.

Claimant, Michael W. Chen, an employee of United States Customs and Border Protection (CBP), has requested the Board's review of the denial of his claim for reimbursement of the cost of upgrading to a rental car that offered a global positioning system (GPS) he asserts was needed while he was on temporary duty (TDY) travel in Detroit, Michigan.

Background

Mr. Chen, whose permanent duty station is in New York, New York, traveled to Detroit, Michigan, for a period of four days on a TDY assignment. In connection with the assignment he was authorized to rent a car. In his request for approval of travel orders, Mr. Chen requested a compact car with a standalone GPS unit. He explained his request for the GPS unit, noting that he was "unfamiliar with the area" and needed a GPS unit to provide directions. The travel orders were approved.

When Mr. Chen arrived in Detroit, the rental car company advised that no standalone GPS units were available for rental and offered to substitute an upgraded car equipped with GPS for approximately the same price as would have been charged for the compact car and standalone unit. Mr. Chen agreed to this arrangement.

Upon his return to New York, Mr. Chen submitted a travel voucher, requesting reimbursement for the cost of the upgraded rental car. CBP declined to pay the cost of the upgraded vehicle, instead reimbursing Mr. Chen only for the cost of the compact car that had been approved. The agency explained that the upgraded car was not authorized and that the CBP internal travel policy prohibits paying both for luxury vehicles and for GPS units.

Discussion

Mr. Chen has requested that the Board review the disallowance of the incremental cost of renting the upgraded car, reasoning that his orders approved the rental of a standalone GPS unit and the upgraded car did not cost more than the combined cost of the compact car and the standalone unit, had it been available.

Under the applicable Federal Travel Regulation (FTR) provision, an agency may pay only those expenses that are essential to the transaction of official business. 41 CFR 301.2-2 (2012). The FTR expressly states that the agency will not pay for costs resulting from “circuitous routes, delays, or luxury accommodations or services unnecessary or unjustified in the performance of official business.” *Id.* 301.2-4.

The CBP’s travel policies are set forth in a travel handbook and in various directives that are available to employees on the agency’s intranet site. At the beginning of the handbook, employees are informed of their responsibilities in performing official travel:

Employee Responsibilities. It is the duty of employees while on official travel to exercise the same care in incurring expenses that a prudent person would exercise if using his/her personal funds while on personal business. Excess and/or unauthorized expenses, delays, or luxury accommodations and services will not be reimbursed by Customs, but will be borne by the employee. Employees are responsible for reading and understanding this Handbook, applicable Customs Directives, Information Notices and the Federal Travel Regulation.

CBP’s travel policy specifically provides that:

Travel approving officials are responsible for exercising good judgment and prudence in approving travel requests and travel related expenses. Only those travel expenses necessary and/or incidental to official travel should be authorized and approved. Additional costs for luxury automobiles, GPS units and personal accident insurance are not eligible for reimbursement. . . .

For normal travel requirements, a compact car is the authorized vehicle size. Justification and approval is required to use a larger vehicle. For example, a larger car, van etc., could be justified because of the requirement to transport several passengers and their luggage.

Mr. Chen's justification for renting the standalone GPS unit or the upgraded car is the same – he was not familiar with the area and needed a GPS to provide him directions. Mr. Chen did not obtain advance approval to upgrade the car from the compact size that had been authorized to a larger size. The agency's position, as stated in its policy, is that the additional cost to obtain a GPS was neither necessary nor incidental to official travel, but rather a matter of personal convenience. CBP points out that many employees who travel on official business are not familiar with their destinations, and there are other ways to navigate without resorting to rental of a GPS unit. The agency's policy expressly states that it will not pay added expenses for GPS capability. The policy, which also restricts reimbursement for vehicle rentals to the cost of a compact car, is not in conflict with the FTR but, rather, supports the FTR's mandate that travel must be performed in an economical manner.

In addition, CBP argues that the authorization given for the rental of the standalone GPS unit was improper under its policy, and thus cannot serve as a basis for permitting Mr. Chen to recover this cost. As a general rule, when an agency issues a travel authorization to an employee and authorizes a particular allowance or expense, the agency cannot modify the travel authorization after the employee completes the travel so as to increase or decrease expenses that are eligible for reimbursement. *E.g.*, *Todd E. Johanesen*, CBCA 3124-TRAV (Feb. 12, 2014); *Michael R. McKee*, GSBCA 14563-TRAV, 98-2 BCA ¶ 29,982; *Andre E. Long*, GSBCA 14498-TRAV, 98-1 BCA ¶ 29,731. There are, however, some exceptions to this rule. Travel orders may be revoked or modified after travel is performed when the orders are erroneous on their face; in conflict with a law, regulation, or agency instruction; or contrary to the agency's definite intention when the orders were issued. *E.g.*, *Mustak Y. Keval*, CBCA 3349-RELO, 14-1 BCA ¶ 35,490; *Rebecca M. Sanford*, GSBCA 16137-TRAV, 03-2 BCA ¶ 32,386.

Decision

In this case, the authorization of the GPS unit was erroneous. The agency properly determined that this expense was not eligible for reimbursement by the Government. The claim is denied.

CATHERINE B. HYATT
Board Judge