



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 18, 2014

CBCA 3497-TRAV

In the Matter of DONALD S. ACKERMAN

Donald S. Ackerman, Peachtree City, GA, Claimant.

LaRia Robinson, Training Operations Branch Chief, Department of Agriculture, Dallas, TX, appearing for Department of Agriculture.

SOMERS, Board Judge.

Claimant, Donald S. Ackerman, seeks reimbursement for \$2221, which he contends represents his cost for airline tickets from his residence located near Miami, Florida, to his official duty station in Atlanta, Georgia, during the years 2009 and 2010. For the reasons stated below, we deny the claim.

Background

In June 2008, Mr. Ackerman began his employment as a regional Public Health Trainer with the United States Department of Agriculture (USDA). Mr. Ackerman's official duty station is Atlanta, Georgia. At the time Mr. Ackerman began his employment, he lived and owned a home near Miami, Florida. Mr. Ackerman states that he had an arrangement with the "Assistant Administrator" which permitted him to travel for the USDA from his home of residence rather than from his official duty station for the first two years of his employment. This arrangement changed when, he says, in June 2009, an agency representative instructed him that he must begin all travel from his official duty station, rather than from his home. In fact, the travel records presented by Mr. Ackerman confirm that,

during the first year, the agency issued travel orders permitting Mr. Ackerman to travel directly from Miami to various locations for temporary duty.

Mr. Ackerman seeks reimbursement for nine trips occurring after he received this instruction, and before he sold his Florida residence and moved to Atlanta. Mr. Ackerman asserts that the agency never instructed him to report to and/or travel to his official duty station prior to June 2009. While Mr. Ackerman acknowledges his official duty station to be Atlanta, he contends that his primary office was his “phone, computer, and dining room table” at his home in Miami, although he performed his training duties at various locations in the United States. Therefore, Mr. Ackerman believes that the agency should reimburse him for air fare from Miami to Atlanta based upon his initial agreement with the Assistant Administrator.

In its response to Mr. Ackerman’s claim, the agency points to an email message sent on August 1, 2008, to various employees, including Mr. Ackerman, which said:

As a point of further clarification in regards to Federal Travel Regulations 301-11.1, when traveling to teach in different regions of the country, you are required to fly out of your official duty station. Please do not hesitate to call if you have any questions.

In addition, the agency provides a copy of Mr. Ackerman’s personnel records, which reflect his official duty station as Atlanta, Georgia.

Discussion

We look to the Federal Travel Regulation (FTR) for guidance to resolve this issue. The FTR provides a clear definition of an employee’s official station as “an area defined by the agency that includes the location where the employee regularly performs his or her duties or an invitational traveler’s home or regular place of business. . . . The area may be a mileage radius around a particular point, a geographical boundary, or any other definite domain, provided no part of the area is more than 50 miles from where the employee regularly performs his or her duties or from an invitational traveler’s home or regular place of business. If the employee’s work involves recurring travel or varies on a recurring basis, the location where the work activities of the employee’s position of record are based is considered the regular place of work.” 41 CFR 300-3.1 (2008). With that definition, it appears that Mr. Ackerman’s official station, as defined by his personnel records, is located in Atlanta, Georgia.

The FTR also provides guidance as to travel, informing employees that, “[y]ou must travel to your destination by the usually traveled route unless your agency authorizes or approves a different route as officially necessary.” 41 CFR 301-10.7. In this case, the agency informed Mr. Ackerman that he must travel from his official duty station. The agency had this discretion pursuant to regulations. This determination was consistent with regulations that establish the maximum reimbursement the claimant could receive for travel. 41 CFR 301-10.6, -10.8. Typically, an agency is prohibited from paying for an employee to commute to and from his official duty station.

Although Mr. Ackerman claims that he had a different understanding concerning his travel, believing that he had permission to travel from his home in Miami, rather than his official duty station, there is no evidence in the record that Mr. Ackerman discussed the fact that this instruction conflicted with the information that he had received. Rather, he waited several years before raising the issue after tickets had been purchased and travel had occurred. Had he raised the issue when the conflict occurred, the agency could have clarified its position, potentially specifying that costs of travel between Miami and the destinations would be capped at costs between Atlanta and the destinations, for example. At this point, the issue is moot. Mr. Ackerman’s claim is denied.

JERI KAYLENE SOMERS
Board Judge