



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 10, 2014

CBCA 3639-TRAV, 3640-TRAV

In the Matter of PAUL F. ANDERSON

Paul F. Anderson, Port Orchard, WA, Claimant.

Sylvia A. Shawver, Chief, Audit Support Office, Finance Center, United States Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

STERN, Board Judge.

Claimant, a civilian employee of the United States Army Corps of Engineers (Army), seeks relief from the Army's demand for reimbursement of monies due from two alleged overpayments, with regard to two separate business trips taken by claimant. In each instance, claimant was sent on temporary duty from his permanent duty station in Seattle, Washington, to Omaha, Nebraska, for repair work on dams and levies.

Claimant's travel orders for each trip authorized reimbursement for the cost of private vehicle mileage between his residence and the airport in Seattle. Airport parking was also authorized. While the use of taxis was not explicitly authorized, the orders specifically stated that the use of a "special conveyance" was allowed.

On both occasions claimant drove his car from his home to the airport and parked his car at an airport lot. Upon return from his temporary duty assignments claimant drove his vehicle back to his residence. Claimant filed claims for each trip and was paid the amount that he spent on airport parking. The Army later determined, in each instance, that the cost of two one-way taxi fares would have been substantially less than the parking fees that claimant incurred. The Army seeks repayment of the excess fees paid claimant, as follows:

In docket number CBCA 3639-TRAV, claimant was at his temporary duty station from July 4 to September 26, 2013. Claimant submitted a voucher and was paid \$1588 for the airport parking fee he incurred while on this assignment. The Army has determined that the cost of a round-trip taxi from claimant's home to the airport in Seattle would have been \$236.58. The Army seeks to be repaid \$1351.42 for the amount paid in excess of the taxi fee.

In docket number CBCA 3640-TRAV, claimant was at his temporary duty station from November 5 to December 23, 2012. Claimant submitted a voucher and was paid \$882 for the airport parking fee he incurred while on this assignment. The Army has determined that the cost of a round-trip taxi from claimant's home to the airport in Seattle would have been \$128.24. The Army seeks to be repaid \$753.76 for the excess parking fee it paid claimant.

Discussion

Claimant argues that he is entitled to be paid the entire parking fee since his travel was of an urgent nature and his travel orders authorized the use of a private vehicle to travel to and from the airport and also authorized parking at the airport while he was on temporary duty. Claimant notes that his orders do not specifically authorize the use of taxis. Further, claimant contends that he relied on these orders to his detriment as no one advised him that the maximum he could be reimbursed for parking was the cost of a round-trip taxi. In any event, claimant notes that the actual taxi fare from his house to the airport is significantly higher than that estimated by the Army and that the Army's proposed route to the airport would take excessive time.

As a civilian employee in the Department of Defense, claimant is subject to the provisions of the Federal Travel Regulation (FTR) in addition to the Joint Travel Regulations (JTR). The FTR specifically provides that when ordered on travel, a traveler may be reimbursed his parking fee at the airport of departure, "not to exceed the cost of taxi fare to/from the terminal." 41 CFR 301-10.308 (2013). The JTR has a similar provision. JTR C4780-C. As more fully explained below, we are bound by the dictates of these regulations.

The FTR states that the expenses of the use of a taxi are reimbursable "when authorized and approved by" the agency. An agency may also authorize the use of a special conveyance. A special conveyance includes the use of a taxi. 41 CFR 301-10.400. Here, though the block permitting the use of a taxi was not checked, we find that the orders permitted the use of a taxi for the trips between claimant's home and the airport, since the orders specifically stated that the use of a special conveyance was permitted.

We and our predecessor board in deciding these cases have consistently held, in situations like this, that travelers may not be reimbursed parking fees at an airport in excess of the cost of a round-trip taxi fare even where the traveler has received advice from persons in his agency to the contrary. *See Johnnie P. Saunders, Jr.*, GSBCA 16791-TRAV, 06-1 BCA ¶ 33,223. The regulatory limitation on the reimbursement for parking a traveler's vehicle at an airport is mandatory and may not be waived by the agency. *Daniel McLoughlin*, CBCA 1924-TRAV, 10-1 BCA ¶ 34,426. There is no basis for us to authorize the reimbursement of fees beyond that permitted by the regulation.

Claimant is entitled to be reimbursed the accurate amount of the round- trip taxi fare from his house to the airport for each of the trips involved in these cases. We note that appellant's taxi fare estimate was derived by calling the taxi company, as compared with an estimate used by the Army from an internet site. We further note that the Army has used two different taxi fare estimates for the two trips, though each would involve the identical journey. Also, the Army's estimate appears to send the traveler on a journey that would take inordinate travel time. It therefore appears that claimant's estimate is more accurate.

Decision

We send the matter back to the parties to determine the actual amount of the round-trip taxi fare from claimant's home to the airport. If claimant has been overpaid, the Army may recoup the difference.

JAMES L. STERN
Board Judge