



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 30, 2014

CBCA 3383-TRAV

In the Matter of MICHAEL W. ECK, SR.

Michael W. Eck, Sr., Richmond, VA, Claimant.

Adrienne K. Price, Counsel, Finance Center, Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

VERGILIO, Board Judge.

Claimant is not entitled to payment for costs (lodging and taxes) he did not incur.

The claimant, Michael W. Eck, Sr., takes issue with the agency's debt collection claim for \$433.15. The agency maintains that it overpaid claimant's travel expenses, in particular lodging (\$77) and lodging taxes (\$9.63) for each of five days, for temporary duty travel occurring during July 2011, because claimant has failed to support the expenses with a receipt. Initially, the claimant maintained that he was not reimbursed for the dates in question. The claimant relied upon a travel voucher summary generated by the agency to describe the proper reimbursement for the travel in question. The record, which includes the initial travel voucher summary and indication that payment by check was made for the full vouchered amount, supports the conclusion that the claimant received payment of the disputed amount for the days in question.

The claimant raises an alternative theory of recovery in response to the agency's explanations and supporting material. The agency contends that repayment is required because the claimant has failed to provide receipts to support payment. The claimant states that the dates in question are lodgings for Friday. Such is true for four of the dates; one involves a Saturday. According to the claimant, he checked out of lodging on each Friday morning, and completed his work day; he vacated the room before incurring costs for Friday. He claims he is entitled to retain payments because he was a prudent traveler who could have stayed on Friday. Receipts cannot be provided because the claimant did not incur the costs.

The claimant is not entitled to be reimbursed for expenses he did not incur. The lack of receipts and claimant's explanation further justify the conclusions of the agency, under language in the Federal Travel Regulation (FTR). 48 CFR 301-11.25 (traveler must provide lodging receipt or acceptable reason for inability to provide receipt), 301-52.8 (agency may disallow payment of a claimed item if a traveler does not provide receipt or other support) (2012).

The agency correctly determined that it overpaid the claimant \$433.15. The Board denies the claim.

JOSEPH A. VERGILIO
Board Judge