



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 1, 2015

CBCA 4988-TRAV

In the Matter of MICHAEL W. HAGAN

Michael W. Hagan, Stanardsville, VA, Claimant.

Darian Cochran, Planning and Integration Office, Office of the Commander, National Ground Intelligence Center, Department of the Army, Charlottesville, VA, appearing for Department of the Army.

DANIELS, Board Judge (Chairman).

The Department of the Army directed Michael W. Hagan to perform eighty days of temporary duty (TDY) at Davis-Monthan Air Force Base, Arizona, during June, July, and August of 2015. The agency issued orders to Mr. Hagan specifying travel from his permanent duty station in Virginia to Arizona by privately owned conveyance (POC) as advantageous to the Government. Midway through this assignment, an agency contractor noticed that Mr. Hagan had driven to Arizona, rather than having flown on a commercial airline. The contractor believed that the employee's cost of travel to and from the assignment should be limited to the cost of airfare, and agency officials now concur in this conclusion. Mr. Hagan thinks that because his supervisor approved travel by POC as advantageous to the Government, he should be reimbursed for the entire cost of that travel.

Under the Department of Defense's Joint Travel Regulations (JTR), POC use for TDY travel "should be authorized/approved if it is: 1. Acceptable to the traveler, and 2. To the [Government's] advantage." JTR 4700. "POC use for TDY travel of 800 miles or less, round trip (400 miles one way) may be authorized at the Command's discretion." *Id.* 4715-B. "There is no requirement for any cost comparison" for travel of this limited distance. *Id.* 4715-C. When travel is of a greater distance, however, POC use is allowed only when the authorizing or approving official determines that it would be "more efficient, economical,

or result[] in a more expeditiously accomplished mission,” or for any of eight other specified reasons. *Id.* 4775-B. The Army Intelligence and Security Command, for which Mr. Hagan works, has prescribed that “[t]he least expensive, unrestricted economy/coach accommodation is the standard for all travelers’ transportation modes.” INSCOM Policy Memorandum #10, Travel Policy ¶ 7.a. Consequently, when determining whether POC travel is advantageous to the Government for TDY travel in excess of 800 miles round trip, an authorizing or approving official within this command must compare POC travel to this standard.

Mr. Hagan’s supervisor, who was the approving official for this travel, did exactly what the JTR and the command’s policy memorandum dictate, before Mr. Hagan embarked for Arizona. He compared the costs of travel by POC – mileage to and from Arizona, mileage driving around the TDY site, lodging, hotel tax, and meals and incidental expenses – with the costs of travel which would have been incurred if Mr. Hagan had flown to Arizona – airfare, checked bag fees, rental car at the TDY site, lodging, hotel tax, and meals and incidental expenses. He determined that the costs of travel by POC were less than the costs of travel by air. He then authorized Mr. Hagan to travel by POC. Consequently, unless this cost comparison was irrational – and the Army does not contend that it was – it demonstrates that travel by POC was more economical than travel by air, one of the reasons justifying travel by POC rather than the standard economy/coach means of travel. Because Mr. Hagan’s actual TDY expenses were less than the constructive costs of travel by air, the Army should pay him for all the reimbursable costs he claims, including the cost of travel by POC at the prescribed mileage rate.

The Army appears to contest this conclusion in two ways. First, it notes that, per the INSCOM policy memorandum, the standard transportation mode is “[t]he least expensive, unrestricted economy/coach accommodation.” The JTR provides that “[i]f a traveler elects to use a POC instead of the authorized transportation mode . . . , reimbursement must be limited to the authorized transportation mode constructed cost.” JTR 4710-C. Second, the Army cites to a Defense Travel Management Office instruction that in making a cost comparison between actual and constructive costs, rental car costs should not be included. Neither of these arguments is persuasive. As to the first, the official who approved Mr. Hagan’s travel considered the policy when making his determination, and pursuant to that determination, POC *was* the authorized transportation mode. The instruction which the Army relies on for its second point cannot stand, as we have already decided that it is

inconsistent with the governing Federal Travel Regulation. *Ronald D. Aylor*, CBCA 4752-TRAV, 15-1 BCA ¶ 36,028; *Stephen M. England*, CBCA 3903-TRAV, 15-1 BCA ¶ 35,870.

STEPHEN M. DANIELS
Board Judge