



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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December 30, 2015

CBCA 4991-TRAV

In the Matter of MEREDITH MYERS

Meredith Myers, Plano, TX, Claimant.

Edward H. Johnson, Chief Financial Officer, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, appearing for Department of Homeland Security.

**DRUMMOND**, Board Judge.

Meredith Myers seeks review of the agency's denial of his request for reimbursement of per diem expenses incurred by a "medically necessary attendant" who was required to travel with Mr. Myers when Mr. Myers experienced a medical emergency while on official travel.

Mr. Myers lives and works in Texas. While on official travel, Mr. Myers experienced a medical emergency, which resulted in his hospitalization in Harrisburg, Pennsylvania, from August 21 through 27, 2015. Mr. Myer's physician determined that he could not drive home, and provided him with a note indicating this limitation. The agency approved an invitational travel authorization to cover the transportation costs for a medically necessary attendant, who would escort Mr. Myers back to Texas. In a letter dated August 25, 2015, the agency detailed the authorized expenses for the medically necessary attendant (Mr. Myers' son). Per diem expenses were not authorized.

The agency reimbursed the medically necessary attendant's transportation costs. The agency did not allow reimbursement for any other costs the attendant incurred.

Mr. Myers submitted a claim on behalf of his medically necessary attendant in the amount of \$367.28. It included lodging, meals, and incidental expenses. The agency denied the claim based on the authorized expenses approved in the invitational travel authorization, the Federal Travel Regulation (FTR) at 41 CFR 301-30.4 (2014) (FTR 301-30.4), and the agency's current policy, which states:

Transportation cost of a medically necessary attendant is payable. This may include only one person or medical attendant. Only transportation costs to and from TDY [temporary duty] location or alternate location where the incapacitated traveler is receiving medical treatment are authorized for attendants.

FTR 301-30.4(d) speaks clearly to the situation. That provision allows for transportation costs of a medically necessary attendant in circumstances where illness or injury occurs while an employee is on TDY. Nothing in that regulation allows for payment of per diem for a medically necessary attendant.

There is no legal basis to provide the reimbursement claimed by Mr. Myers. Accordingly, the claim is denied.

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JEROME M. DRUMMOND  
Board Judge