



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 30, 2015

CBCA 4089-TRAV

In the Matter of DONALD C. BARNES

Donald C. Barnes, Dulles, VA, Claimant.

James E. Hicks, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Springfield, VA, appearing for Department of Justice.

VERGILIO, Board Judge.

The claimant raised no basis to justify reconsideration. Material facts, statute, and regulation dictating result are not disputed.

The claimant, Donald C. Barnes, seeks reconsideration of the Board decision upholding the agency's demand for repayment of \$40,798.68, paid by the agency for lodging, meals and incidental expenses, and parking, in connection with a training course the claimant attended. The training was less than fifty miles from the claimant's residence and did not represent travel away from the claimant's duty station. The agency's authorization for the claimant to recover per diem expenses was improper because it was contrary to statute and regulation. The claimant did not demonstrate that the remaining pay item, parking, was reimbursable pursuant to the agency's travel bulletin. *Donald C. Barnes*, CBCA 4089-TRAV, 15-1 BCA ¶ 35,985.

In seeking reconsideration, the claimant recognizes that under the "fifty-mile rule" the agency's justification for reimbursement was prohibited. The claimant asks the Board to consider mitigating facts, as he also contends that the Board misunderstood some facts and relied upon agency misrepresentations and statements of an agency employee which are not credible.

The claimant has failed to raise a valid basis for reconsideration. Board Rule 407 (48 CFR 6104.407 (2014)), provides that mere disagreement with a decision or re-argument of points already made do not constitute sufficient grounds for seeking reconsideration. Here

the claimant raises peripheral, inconsequential matters in the request. The claimant does not dispute the fact material to the decision: the training location was within fifty miles of the claimant's residence. Under statute and regulation, the agency inappropriately authorized, and the claimant could not be reimbursed for, lodging, meals, and incidental expenses. What the claimant raises as mitigating factors do not alter this result. Further, the claimant disputes statements made by an agency employee in a declaration submitted in this case and miscasts the agency's position on various matters. The claimant did not raise these items in a response while the record remained open in the initial case and has not indicated where the Board relied upon any statement, or how the result of the case would be different given the requirements of statute and regulation. Rearguing points previously addressed or raising arguments that could have been made earlier do not justify reconsideration. The claimant raises nothing that would change the result or merit further discussion or development.

The Board denies the request for reconsideration.

JOSEPH A. VERGILIO
Board Judge