



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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July 19, 2016

CBCA 5310-TRAV

In the Matter of KAREN L. FORSHAY

Karen L. Forshay, Blacksburg, VA, Claimant.

Julie Aguilera, Bureau of Overseas Buildings Operations Travel Office Coordinator, Department of State, Arlington, VA, appearing for Department of State.

**DANIELS**, Board Judge (Chairman).

Karen L. Forshay, an employee of the Department of State, circumnavigated the globe by air, on assignment from her agency, in March and April of 2016. To begin this trip, Ms. Forshay left Washington, D.C., on March 19, crossed the international date line, and arrived in Beijing, China on March 20. Her trip concluded in Washington on April 3. She maintains that because she was in travel status on sixteen different calendar days, she is entitled to a per diem allowance for each of those days. The agency has paid her a per diem allowance for only fifteen days. The agency's position is that the first portion of the trip (the March 19/20 flight to Beijing) was only a single day for per diem purposes.

The agency relies on section 573.3 of the Foreign Affairs Manual (FAM) and section 301-11.19 of the Federal Travel Regulation (FTR) in support of its position. The cited provision of the FAM reads, "When a traveler crosses the international date line (180th meridian), actual elapsed travel time will be used to compute per diem entitlement rather than calendar days in accordance with Federal Travel Regulation [FTR] Section 301-11.19." The referenced section of the FTR similarly states:

**How is my per diem calculated when I travel across the international dateline (IDL)?**

When you cross the IDL, your actual elapsed travel time will be used to compute your per diem entitlement rather than calendar days.

41 CFR 301-11.19 (2015). The actual elapsed travel time on the flight between Washington and Beijing was fourteen hours and fifteen minutes. Because this time is less than twenty-four hours, the agency considered it one day for per diem allowance purposes, even though the flight began on one calendar day and (due to crossing the international date line) ended on the next calendar day.

Ms. Forshay relies on section 301-11.9 of the FTR, which states:

**When does per diem or actual expense entitlement start/stop?**

Your per diem or actual expense entitlement starts on the day you depart your home, office, or other authorized point and ends on the day you return to your home, office or other authorized point.

41 CFR 301-11.9. Ms. Forshay maintains that this provision trumps FTR section 301-11.19. Her trip extended over sixteen days (fifteen days and seven hours, to be more exact); it began on March 19 and ended on April 3, and she maintains that she is entitled to an allowance for each of those days.

We see no inconsistency between the two FTR provisions. As we held in *Karen Lynn*, CBCA 3437-TRAV, 13 BCA ¶ 35,421, *reconsideration denied*, 13 BCA ¶ 35,458, 14 FAM 573.3 and FTR 301-11.19 govern all travel by Department of State employees which crosses the international date line. These provisions explain how the phrase “the day you depart your home, office, or other authorized point,” which is contained in FTR 301-11.9, is to be applied in the unusual situation of travel across that line.

The agency’s understanding of the rules is correct. Ms. Forshay is entitled to only fifteen days of per diem allowance for this trip. Her claim for an additional day of allowance is denied.

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STEPHEN M. DANIELS  
Board Judge