



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 12, 2016

CBCA 5009-TRAV

In the Matter of GARY SERFOSS

Gary Serfoss, Howard, CO, Claimant.

Samantha Carter, Travel Specialist/Debt Manager, Naval Postgraduate School, Department of the Navy, Monterey, CA, appearing for Department of the Navy.

GOODMAN, Board Judge.

Claimant, Gary Serfoss, is a civilian employee of Department of Defense. He has asked this Board to review the agency's denial of costs incurred during official travel.

Factual Background

Reduction in Airfare

Claimant accomplished temporary duty (TDY) travel from his permanent duty station (PDS) in Colorado Springs, Colorado, to Tashkent, Uzbekistan, and returned. The agency has reduced claimant's reimbursement for his airfare by \$287.60 – the difference between \$3574, the actual cost of the airfare, and \$3286.40, which the agency alleges is the proper airfare to be reimbursed. The reduction arises from the agency's belief that claimant chose to route his return travel through Paris, France, for personal reasons.

Claimant vigorously and repeatedly has denied that he routed his return flights himself through Paris for personal reasons. Rather, he states that his original return flights, booked by SATO, the government's travel agent, at a cost of \$3574 were as follows: June 27, 2015, Tashkent to Istanbul; June 27, 2015, Istanbul to Paris; June 28, 2015, Paris to Chicago; June 28, 2015, Chicago to Colorado Springs.

He states further:

After the trip was booked (at a cost of \$3574), I inquired into what it would cost to route me through Vienna or Frankfurt instead of Paris for personal leave reasons, but the cost to change it was too high. Therefore, I chose not to change the itinerary provided to me by SATO and the travel office. . . .

It was cheaper to leave my itinerary exactly as the travel office had booked it, and procure separate flights [from Paris] to Vienna and elsewhere in Europe. As I recall, it was well over \$1000 to just route me through Vienna instead of Paris, so I told the [travel] agent to leave my itinerary as is, I would just personally book separate flights since that was cheaper. . . .

The only change I did make was to delay the 28 June return flights to Chicago and Colorado Springs until 14 July [2015]. There was \$0 charge for that change. Therefore, I performed official travel from Uzbekistan to Paris all day on 27 June [2015], and then on 28 June [2015], instead of continuing my travel home, I began my pre-approved leave, and then resumed my return legs on 14 July [2015].

Claimant does not understand why the agency believes that the proper cost of his ticket, which was previously approved, should be less.

The record contains email messages from the agency travel official to claimant acknowledging that claimant did not personally choose the return route through Paris. However, the official asserts that the reimbursable cost of the air fare should be reduced, citing the following Joint Travel Regulations (JTR): JTR 3005-E.2, which states that “[m]ore costly unjustified circuitous routing (e.g. personal travel detours from the usually traveled route) is the traveler’s financial responsibility”; and JTR 4415-C.4.b, which prohibits an en route rest stop at government expense when, “[f]or personal convenience, a traveler chooses to travel by a circuitous route, causing excess travel time.”

Denial of Per Diem and Lodging Expenses for June 27, 2015

The agency has also denied claimant per diem for meals and reimbursement for lodging on June 27, 2015, the day that claimant traveled from Tashkent to Paris. The agency states that these costs were denied because claimant was in a leave status that day. Claimant believes he is entitled to the per diem for meals, as he traveled for more than twelve hours that day and was not on leave, but is not sure if he is entitled to reimbursement for lodging, as he began his vacation from Paris rather than continuing to travel to his PDS.

Discussion

Reduction in Airfare

The portions of the JTR cited by the agency do not support a reduction of reimbursement for the costs of claimant's airfare.

The approving official initially chose the itinerary that claimant traveled and approved the fare. The approving official did not attempt to justify the itinerary as other than a usually traveled route, and the agency admits that claimant did not choose to travel through Paris on the return home. Thus, the routing chosen by the agency is the "usual routing," as defined by JTR 3005-E.2, quoted above.

Claimant traveled the exact route arranged and approved by the agency. The travel points on his travel documents, including Paris, were official travel points, as they were chosen by the approving official as the "usual routing." Claimant did not travel on a "circuitous" routing, nor did he accomplish a personal travel detour which caused an increase in his government fare or changed the government approved route. While he did make a no-cost change in the ticket, to allow him to depart Paris – a connecting point on his government itinerary – for a vacation and return to Paris to continue his travel home, no part of the departure from the approved itinerary was charged to the Government, nor did the cost of the previously approved travel increase. Thus, the approving official approved a "usual routing" at a specific cost before claimant traveled, and claimant traveled that routing without causing an increase in the approved fare.

The second regulation relied upon by the agency, JTR 4415-C.4.b, sets forth when an en route rest stop is allowed or prohibited. However, it does not provide any reason for the agency to reduce claimant's airfare reimbursement. Claimant's original itinerary included an en route rest stop in Paris on the night of June 27, 2015, as his connecting flight did not depart until June 28, 2015. This was not for personal convenience, nor did it cause excess travel time.

While claimant did stop en route in Paris and depart the next day for a vacation, and then resume his travel home at a later date, there is no evidence that his official travel time was increased or the expense to the Government was increased in any way. We find no basis for the agency to reduce the reimbursement of claimant's airfare. He is entitled to reimbursement of the originally booked amount of \$3574, without reduction.

Denial of Per Diem and Lodging Expenses for June 27, 2015

Claimant's original return itinerary included an en route rest stop in Paris the night of June 27, 2015, as his connecting flight did not depart until June 28, 2015. Claimant flew from Tashkent, through Istanbul, to Paris on June 27, departing at 8:30 a.m. local time, and arrived in Paris at 5:10 p.m. local time (8:10 p.m. Tashkent time). On June 28, instead of continuing travel to his PDS, as originally scheduled, he began his pre-approved leave, and then resumed travel home on July 14, 2015, on his rescheduled flight from Paris.

The agency disallowed claimant's per diem for June 27, and did not allow for his hotel expenses the night of June 27 in Paris. Claimant believes he is entitled to per diem on June 27, as he traveled for more than twelve hours. He also states that he had hotel reservations in Paris that night, as he was originally going to continue his travel to his PDS the next day. However, because he later planned to start his vacation and take leave commencing the next day, instead of returning to his PDS at that time, he is not sure if he is entitled to the hotel expense for the night of June 27.

As claimant was on official travel for more than twelve hours on June 27, 2015, he is entitled to his per diem for that day. However, when claimant arrived in Paris, he did not continue to his PDS, but took leave at the en route stop over to begin his vacation, and did not resume his official travel until after his vacation. Because he did not continue his travel to the PDS, but took leave in Paris and was therefore not resting en route, he is not entitled to lodging at government expense for the night of June 27.

Decision

Claimant is entitled to reimbursement of the originally booked airfare in the amount of \$3574, without reduction, and per diem for June 27, 2015. He is not entitled to reimbursement for lodging in Paris on June 27, 2015.

ALLAN H. GOODMAN
Board Judge