



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 28, 2016

CBCA 5028-TRAV

In the Matter of MELEAH H. JENSEN

Meleah H. Jensen, Washington, DC, Claimant.

Elizabeth Rodriguez, Chief, Charge Card Oversight and Travel Policy Service, Department of Veterans Affairs, Washington, DC, appearing for Department of Veterans Affairs.

SHERIDAN, Board Judge.

Claimant submitted to the Board a claim seeking what she referred to as a “reasonable accommodation” that would allow her to stay in a hotel in Frederick, Maryland, as opposed to traveling back and forth between Frederick and her home in Baltimore, Maryland, each day she was in training in Frederick. Claimant asserted that allowing per diem for the applicable periods as opposed to incurring the \$280 per day cost for reliable transportation between Baltimore and Frederick would have saved the Department of Veterans Affairs (VA) and the United States taxpayers at least \$1758.

The Board is authorized to resolve claims of federal civilian employees for certain travel and relocation expenses which are described in chapter 57 of title 5 of the United States Code. Chapter 3702 of title 31 vests the authority to resolve these claims in the Administrator of General Services, who has delegated that function to the CBCA. 48 CFR pt. 6104 (2015). Before we can review any claim for entitlement to travel or relocation expenses, the claim must first be filed at claimant’s own department or agency. 48 CFR 6104.401(c).

In its initial scheduling order the Board pointed out *sua sponte* that several facts limited its ability to decide this matter:

It appears from claimant's submission that she has not filed a claim for entitlement to travel expenses with the agency. This is likely because claimant has not incurred any travel expenses for which she has not been reimbursed. Claimant's letter to this Board seems more to be a complaint as to the nature of the reasonable accommodation that was granted as opposed to the reasonable accommodation that claimant believes should have been granted. The Federal Travel Regulation (FTR) 301-13.1 requires agencies "[t]o provide reasonable accommodations to an employee with a special need by paying for additional travel expenses incurred." 41 CFR 301-13.1 (2014). While we have authority to decide claims for entitlement to travel expenses, that authority does not allow us to override the agency's discretion to authorize one form of reasonable accommodation over another.

When it did not receive documents ordered by the scheduling order, the Board issued an order to show cause directing both parties to respond to previous orders and show cause why this matter should not be dismissed. The Board set January 29, 2016, as the date for responses and warned the parties that the matter would be dismissed if responses were not received.

Neither party responded to the Board's order to show cause.

Decision

The claim is dismissed.

PATRICIA J. SHERIDAN
Board Judge