



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 2, 2017

CBCA 5488-TRAV

In the Matter of GARY F. SWAGART

Gary F. Swagart, Gulfport, MS, Claimant.

Thomas Lowry and Tange Drake, Office of the Chief Financial Officer, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, appearing for Department of Homeland Security.

BEARDSLEY, Board Judge.

Claimant, Gary F. Swagart, seeks reconsideration of the Board's decision, *Gary F. Swagart*, CBCA 5488-TRAV (Apr. 5, 2017), denying reimbursement for claimant's hotel room costs at his TDY location in Missouri when he traveled voluntarily to an alternate location in Mississippi over a holiday weekend. We found that claimant had not demonstrated that he acted reasonably and for reasons beyond his control when he did not check out of his hotel at the TDY location. Because claimant raises nothing new, we deny claimant's motion for reconsideration.

Discussion

Claimant presents nothing new to support a finding that claimant was entitled to his lodging expenses at his TDY location when he traveled voluntarily to an alternate destination (not to his residence of record (ROR)) for a holiday weekend and did not check out of his hotel at the TDY location. "Mere disagreement with a decision or re-argument of points already made is not a sufficient ground for seeking reconsideration." Board Rule 407 (48 CFR 6101.407 (2016)); *Robert B. Barnes*, CBCA 2073-TRAV, 11-1 BCA ¶ 34,619 (2010) (citing *Mary Ann Wilson*, GSBICA 14300-TRAV, 98-2 BCA ¶ 30,039).

Claimant points to the case of *Bradley P. Bugger*, CBCA 555-TRAV, 07-1 BCA ¶ 33,579, cited in the Board's *Swagart* decision, to support his position. Mr. Bugger traveled to Las Vegas and Albany, not home, while on TDY in a separate location. The CBCA determined that Mr. Bugger could be reimbursed for lodging and per diem costs he incurred in Las Vegas and Albany, up to the maximum amount allowed at the TDY location, because "an employee who, instead of traveling home on non-work days, travels to a different location, is considered to be still on TDY." *Id.* (citing *Frank A. Condino*, GSBCA 16365-TRAV, 04-2 BCA ¶ 32,682, and 41 CFR 301-11.21). Claimant argues that he similarly remained on TDY despite his travel to an alternate location (Mississippi); and therefore, he is entitled to reimbursement for lodging expenses in his TDY location (Missouri). The distinction remains, however, that while Mr. Bugger was entitled to lodging costs in the alternate location (Albany and Las Vegas), not the TDY location, claimant is requesting lodging costs in the TDY location, not the alternate location.

Claimant dismisses the CBCA's finding that his claim was, in effect, for dual lodging expenses because he argues that he did not claim any lodging costs for the alternate location. The determination as to reimbursement, however, is not based on whether claimant claimed or incurred lodging costs in the alternate location. If no lodging costs were incurred or claimed in the alternate location, claimant is not entitled to the lodging costs at the TDY location by default. *Thomas Hall*, B-209100 (May 9, 1983) (lodging costs not paid because claimant did not incur any lodging costs on weekend trip); *Michael K. Vessey*, B-214886 (July 3, 1984) (no lodging costs paid because claimant stayed with relatives during weekend trip). In *Nancy J. Ronk*, B-248172 (July 28, 1992), the agency paid for meals and incidental expenses for two weekend days but not lodging expenses since the claimant stayed in a private residence.

Claimant has not shown that it was necessary or prudent to incur lodging costs when he was lodging elsewhere. Moreover, the fact that claimant stayed in a hotel room in Missouri that was less per night than the maximum reimbursement allowed, while economical, does not define a prudent traveler for the purposes of reimbursement of lodging expenses. The prudent traveler should have taken steps to minimize his lodging costs at the TDY location, such as checking out of his hotel room and storing his things. There remains no evidence that the lodging costs incurred at the TDY location during claimant's weekend trip were reasonable or beyond his control.

Decision

Accordingly, claimant's motion for reconsideration is denied.

ERICA S. BEARDSLEY
Board Judge