



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 2, 2018

CBCA 6170-TRAV

In the Matter of MICHAEL A. LOPEZ

Michael A. Lopez, Fresno, CA, Claimant.

Allen W. Meyer, Transportation Specialist, Travel Section, Fleet Readiness Center Southwest, Department of the Navy, San Diego, CA, appearing for Department of the Navy.

GOODMAN, Board Judge.

Claimant, Michael A. Lopez, is a civilian employee of the Department of the Navy. He has requested that this Board review the agency's denial of a portion of his parking fees incurred when he left his privately owned vehicle (POV) parked at the airport while he was on temporary duty (TDY) in Japan.

Factual Background

Claimant was issued travel orders for TDY from Fresno, California, to Japan for seven days in April 2018. The travel orders did not designate a method for local travel. Claimant states that he was told by his supervisor and approving official that he could drive his POV and park at the airport, instead of using a taxi. His TDY was extended to a total of twenty-eight days. When he returned, he requested reimbursement of his parking fees in the amount of \$237.34. Pursuant to regulation, the agency reimbursed claimant the constructive cost of a round-trip taxi fare, \$36. Claimant seeks reimbursement of the difference, \$201.34.

Claimant's approving official recommends payment of the claim. The approving official states that he advised claimant to park at the airport, and that the extension of claimant's TDY resulted from unanticipated circumstances.

Despite the approving official's advice to claimant to use a POV to travel to the airport, the agency's travel office denied payment of the additional parking fees resulting from the extended TDY, on the basis that claimant did not act prudently when he used his POV to travel to the airport rather than take a taxi or other conveyance that he did not have to park at the airport. The travel office states:

The traveler currently lives approximately six miles from the airport based upon his current home address. Our office completed a constructed cost estimate for two one-way taxi trip fares which resulted in a reimbursement of \$36.00. The \$36.00 constructed amount is still lower than the parking charges he would have been charged if his trip to . . . Japan had remained at the original length of seven days. The traveler paid about \$8.30 a day to park at the airport and would have been charged approximately \$58.10 plus fees for seven days of parking. We understand that the traveler may have received erroneous guidance however the information received did not prevent him from considering other options to travel prudently.

Discussion

The agency reimbursed claimant in accordance with the applicable Federal Travel Regulation (FTR), 41 CFR 301-10.308 (2018),¹ that states:

What will I be reimbursed if I park my POV at a common carrier terminal while I am away from my official station?

Your agency may reimburse your parking fee as an allowable transportation expense not to exceed the cost of one of the following to/from the terminal as determined by your agency:

- 1) The cost of a taxi.

¹ The Department of Defense's Joint Travel Regulations (JTR), applicable to DoD's civilian employees, previously contained a similar provision limiting reimbursement to a round-trip taxi fare, JTR 4780-C (2017), which does not appear in the JTR's 2018 revision. The FTR provision is applicable to civilian employees of DoD.

- 2) The cost of a TNC [transportation network company^[2]] fare.
- 3) The cost of using an innovative mobility technology company.^[3]

For purposes of the FTR, TNCs and innovative mobility technology companies are forms of special conveyance and, when permissible under local laws and ordinances, may be efficient and cost effective alternatives to taxis or rental cars. Federal agencies may authorize and reimburse Federal travelers on TDY for use of TNCs or innovative mobility technology companies in accordance with internal agency policy. GSA Bulletin FTR 17-04. (Aug. 14, 2017).

Claimant's travel orders did not authorize use of his POV to travel to and from the airport. Even though the approving official had advised claimant that he could drive his POV and park it at the airport, the approving official's advice concerning use of a POV did not amend the travel orders or extend entitlement to parking fees not allowable by regulation. *Dale M. McClellan*, CBCA 4748-TRAV, 15-1 BCA ¶ 36,054. Any implication from the approving official that claimant would or could be reimbursed for additional parking fees if his TDY were extended was erroneous. When an employee receives erroneous advice as to the extent of his reimbursement for long-term parking, such advice does not enlarge entitlement. *Johnnie P. Saunders, Jr.*, GSBCA 16791-TRAV, 06-1 BCA ¶ 33,223.

It is a fundamental principle that a federal civilian employee traveling on official business "must exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business." 41 CFR 301-2.3; see *Jack L. Hovick*, CBCA 655-TRAV, 07-2 BCA ¶ 33,616.

² The term "transportation network company" (A) means a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to drivers affiliated with the entity in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the rider; and (B) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver. GSA Bulletin FTR 17-04. (Aug. 14, 2017).

³ The term "innovative mobility technology company" means an organization, including a corporation, limited liability company, partnership, sole proprietorship, or any other entity, that applies technology to expand and enhance available transportation choices, better manages demand for transportation services, or provides alternatives to driving alone. GSA Bulletin FTR 17-04.

The agency also cites JTR 010103 (2018), which reads:

A. Financial Responsibility. Traveling responsibly includes using the least expensive transportation mode, parking facilities, public transportation, or rental vehicle. It also includes scheduling travel as early as possible to take advantage of discounted transportation rates. The traveler is financially responsible for excess costs, circuitous routes, delays, or luxury accommodations that are unnecessary or unjustified.

Claimant's residence was six miles from the airport. By using his POV to travel to the airport, claimant did not act prudently, and he is financially responsible for the additional parking fees resulting from his extended TDY. Had he used a taxi or other allowable mode of transportation to travel to the airport, the additional parking fees would not have been incurred.

Claimant has not challenged the agency's calculation of \$36 for the round-trip taxi fare reimbursed. The agency properly reimbursed claimant and claimant is not entitled to additional reimbursement.

Decision

The claim is denied.

Allan H. Goodman
ALLAN H. GOODMAN
Board Judge