



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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July 24, 2019

CBCA 6528-TRAV

In the Matter of ASHLEY R. LUO

Ashley R. Luo, Savannah, GA, Claimant.

Anne M. Schmitt-Shoemaker, Deputy Director, Finance Center, United States Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

**GOODMAN**, Board Judge.

Claimant, Ashley Luo, is an employee of the United States Army Corps of Engineers. She requests that this Board review the agency's denial of reimbursement of certain costs incurred during temporary duty (TDY) travel. Upon review, the Board finds that the costs incurred are reimbursable to the claimant.

Background

Claimant is an instructor for the agency. She was asked if she would travel to teach a course in March 2019. At the time of the request, the agency had provided claimant with accommodations as a nursing mother at her permanent duty location.

Prior to commencing her travel, claimant requested and received approval for reimbursement of the cost of a shipping service that specialized in transporting milk when a nursing mother was required to be away from her child. Claimant identified and requested the transportation cost in her initial travel cost estimate, indicating this as an accommodation associated with a special physical need pursuant to regulation. Her travel estimate and the costs approved in her travel orders included \$390, the estimated cost of the shipping service. Claimant states that she could not have accepted the travel assignment without this accommodation and relied upon the authorization of reimbursement for such costs in her

travel orders. When she submitted her travel voucher, which included the actual cost of shipping the milk, \$340.06, the agency denied reimbursement, asserting that shipping the milk was not associated with a special physical need as defined by regulation.

### Discussion

The relevant Federal Travel Regulation (FTR) reads as follows

**§ 301-13.1 What is the policy for paying additional travel expenses incurred by an employee with a special need?**

To provide reasonable accommodations to an employee with a special need by paying for additional travel expenses incurred.

**§ 301-13.2 Under what conditions will my agency pay for my additional travel expense(s) under this part?**

When an additional travel expense is necessary to accommodate a special physical need which is either:

- (a) Clearly visible and discernible; or
- (b) Substantiated in writing by a competent medical authority.

**§ 301-13.3 What additional travel expenses may my agency pay under this part?**

Your agency approving official may pay for any expenses deemed necessary by your agency to accommodate an employee with a special need including, but not limited to, the following expenses: . . . .

41CFR 301-13 (2018).

While the examples of expenses associated with special physical needs in FTR 301-13.3 do not refer to nursing mothers, the expenses that can be reimbursed are not limited by the regulation to those described. The authorizing official for claimant's travel orders recognized claimant's expense as associated with her needs as a nursing mother.<sup>1</sup>

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<sup>1</sup> Joint Travel Regulation (JTR) 020207-D, applicable to civilian employees of the Department of Defense, also allows for miscellaneous reimbursable expenses for travelers

The agency has denied reimbursement for the costs associated with claimant's special physical need on the basis that the need was not substantiated in writing by a medical authority, and therefore not compliant with FTR 301-13.2(b). The agency's denial of reimbursement was erroneous, as substantiation by a medical authority was not necessary. Arrangements to accommodate claimant's special physical need as a nursing mother were in place at her work location before she was requested to travel. Her special physical need was known to the agency and the authorizing official, and within the purview of FTR 301-13.2(a), as it was "clearly visible and discernible" to the authorizing official at the time when the costs for accommodating the special physical need were authorized as a travel expense. Accordingly, the actual costs associated with the special physical need during claimant's TDY travel in the amount of \$340.06 are reimbursable.

Decision

The claim is granted.

*Allan H. Goodman*

ALLAN H. GOODMAN

Board Judge

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with medical or special needs, and includes an exclusive list. The FTR language, not limiting special needs to those specified as examples, supersedes any inconsistent language of the JTR. *Ronald D. Aylor*, CBCA 4752-TRAV, 15-1 BCA ¶ 36,028, at 175,984.