



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

September 12, 2019

CBCA 6267-TRAV, 6268-TRAV, 6269-TRAV

In the Matters of PATRICK M. COTTON

Patrick M. Cotton, Washington, DC, Claimant.

Dennis J. Spirides, Supervisory Engineer, Headquarters, Naval Sea Systems Command, Department of the Navy, Washington, DC, appearing for Department of the Navy.

HYATT, Board Judge.

Claimant, Patrick M. Cotton, a civilian employee of the Naval Sea Systems Command (NAVSEA), challenges the agency's denial of his claims for reimbursement of local travel expenses incurred on three occasions. The agency maintains that he did not obtain the required approvals to undertake local travel and thus has not met the agency's policy requirements for reimbursement of these expenses.

Background

Claimant's permanent duty station (PDS) is located in Washington, D.C. In the claim docketed as CBCA 6267-TRAV, Mr. Cotton applied for reimbursement of round trip expenses of \$5.60 for public transportation from his office to the Pentagon to conduct official business on November 3, 2015. The claim docketed as CBCA 6268-TRAV seeks reimbursement of \$7.52, consisting of \$2.92 for mileage on his personally owned vehicle (POV) and \$4.60 for parking at a commercial lot near the Pentagon to attend a meeting on November 1, 2016. Finally, in CBCA 2629-TRAV, Mr. Cotton seeks reimbursement of \$4.40 for public transportation expenses incurred to attend a meeting at the Pentagon on January 9, 2017.

For the claim presented in CBCA 6267-TRAV, Mr. Cotton submitted a voucher on November 4, 2015. His voucher was returned, on November 6, 2015, with the explanation that further approvals were needed. On three other occasions, once in 2016 and twice in 2017, Mr. Cotton resubmitted this voucher requesting reimbursement of his public transportation expenses for this trip; each time the voucher was rejected, in 2016, advising that further approvals were needed and, in 2017, stating that the submittals were “[r]eturned awaiting notification from your supervisor regarding the possibility of prior year funding for the LOA logistics operations area.”

With respect to the claim docketed as CBCA 6268-TRAV, Mr. Cotton states that he attended a meeting at the Pentagon on November 1, 2016, and on November 3, 2016, submitted a voucher in the amount of \$7.52 for his travel expenses, consisting of mileage for his POV and a parking fee at a lot near the Pentagon. This request was returned on November 15, 2016. Claimant submitted the voucher again on October 30, 2017; it was returned on November 7, 2017, with a note stating that resolution was “awaiting notification from your supervisor regarding the possibility of prior year funding for the LOA logistics operations area.” Mr. Cotton resubmitted the voucher on November 17, 2017; it was returned on December 8, 2017, with the same notation regarding prior year funding.

Finally, the claim docketed as CBCA 6269-TRAV, is for expenses incurred for round trip public transportation to the Pentagon, to attend a meeting. The meeting took place on January 9, 2017, and a voucher for the local travel expenses was submitted on January 11, 2017. This voucher was also returned on January 19, 2017, advising that the necessary approvals were missing. On October 30, 2017, the voucher was resubmitted. On November 7, 2017, it was “[r]eturned awaiting notification from your supervisor regarding the possibility of prior year funding for the LOA logistics operations area.” Mr. Cotton submitted the voucher again on November 17, 2017, it was again returned with the same notation regarding prior year funding.

In responding to claimant’s assertions that his local travel expenditures should be reimbursed, the agency refers to an internal travel policy, in effect since September 2012, governing reimbursement of local travel expenses within NAVSEA. According to NAVSEA, this directive requires prior approval of all travel as a condition of reimbursement, including local travel within the vicinity of the PDS. Specifically, the NAVSEA local travel management and approval policy, in paragraph 4.e states that:

All SEA 05 employees shall obtain formal approval from their supervisor prior to departing on local travel. The SEA 05 Local Travel Approval Form . . . shall be used to obtain pre-approval for local travel. The approved SEA 05

Local Travel Approval Form shall be uploaded into Defense Travel System (DTS) with the traveler's local travel voucher.

The policy further states:

SEA 05 shall manage local travel to reduce expenditures at all levels by limiting local travel to only those mission critical requirements which cannot be met through alternative methods such as teleconferencing, video teleconferencing and online/distance learning. When the mission can be achieved by alternative methods, the SEA 05 approving officials for local travel must choose that method. The traveler and supervisor shall attest on the SEA 05 Local Travel Approval Form that the travel purpose cannot be satisfactorily accomplished less expensively by correspondence, teleconferencing, web-based communication or other means.

For all local travel, the approved travel form implementing this policy provides that the traveler and supervisor must attest that the travel purpose cannot be satisfactorily accomplished less expensively by correspondence, teleconferencing, web-based communication or other means. With respect to reimbursement of mileage and parking, the approval of the Group Director or Executive Director must be obtained as well.

The form itself provides for approval by the employee and supervisor for no-cost local travel and, if the travel will result in a request for reimbursement of parking fees and mileage, requires further approval by the Group Director and/or the Executive Director. The form is silent with respect to any requirement for a higher level of approval for public transportation expenses. Mr. Cotton asserts that his supervisor approved all three trips and the agency does not dispute this statement. NAVSEA explains that Mr. Cotton's vouchers were returned because reimbursement is contingent upon completion of the form and the requisite Group Director's concurrence was not provided.

Discussion

As a general rule, when an employee travels to a location within the local travel area of his PDS for the conduct of official business, that employee may be reimbursed all travel costs incurred that day, minus the usual commuting expenses. *Paul A. Monderer*, CBCA 6355-TRAV, 19-1 BCA ¶ 37,300; *Donald C. Barnes*, CBCA 4089-TRAV, 15-1 BCA ¶ 35,985; *Kenneth R. Chaney*, CBCA 3220-TRAV, 13 BCA ¶ 35,304. Here the claims for two of the meetings appear to be for round-trip public transit fares between claimant's PDS and the Pentagon. The other claim is for the fee charged to park in a commercial lot near the Pentagon and the round-trip mileage to the Pentagon.

The agency's response to all three claims takes the position that all of the claims required approval by the Group Director or Executive Director. The vouchers were returned to Mr. Cotton to obtain the necessary signatures and to resubmit the payment requests. Mr. Cotton points out that the policy requires the concurrence of the higher level authority solely for mileage and parking claims. There is no stated requirement to seek Group Director approval for the costs of public transportation. With respect to the claim for parking and mileage, he explains that he emailed his supervisor and requested that the supervisor obtain the necessary approvals. He traveled to the Pentagon expecting that, consistent with the normal practice of the office, the travel would be routinely approved.

Mr. Cotton is correct as to the two claims seeking reimbursement of the expenses of public transportation between his official duty station and the Pentagon. The Navy has not disputed the accuracy of the amounts in question, and cites only the absence of Group Director approval as its reason for not paying the vouchered amounts. As such, the agency should pay the claimed amounts in CBCA 6267-TRAV and CBCA 6269-TRAV. With regard to the mileage and parking expenses claimed in CBCA 6268-TRAV, the voucher should be reviewed by the individual responsible for providing the higher level review, and, if that official determines that the expenses should not have been incurred because there were more economical ways to accomplish the business purpose of the trip, a written explanation of the basis for disapproval should be furnished to claimant. Otherwise, this claim should also be paid.

Decision

The claims presented in CBCA 6267-TRAV and CBCA 6269-TRAV are granted. The claim set forth in CBCA 6268-TRAV is returned for further review as directed herein.

Catherine B. Hyatt
CATHERINE B. HYATT
Board Judge