



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 24, 2019

CBCA 5765-TRAV

In the Matter of MICHAEL D. JACKSON

Michael D. Jackson, Kenner, LA, Claimant.

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

KULLBERG, Board Judge.

Claimant, Michael D. Jackson, seeks relief from a debt collection action by the United States Army Corps of Engineers (USACE). The USACE claims that Mr. Jackson was improperly reimbursed for city and state sales taxes while he was on temporary duty (TDY). For the reasons stated below, the Board denies the claim.

Background

The USACE issued TDY orders to Mr. Jackson for travel from New Orleans to Baton Rouge, Louisiana, during the period from December 30, 2016, to January 27, 2017. His TDY orders were later amended to include the period from December 22, 2016, to February 9, 2017. Mr. Jackson's TDY was a continuation of an earlier tour under different TDY orders.

While on TDY, Mr. Jackson stayed at several different hotels, which charged a nightly rate plus an occupancy tax and city and state sales taxes. During the periods from December 22, 2016, to January 14, 2017, and January 28 to February 7, 2017, Mr. Jackson was charged a lodging rate of \$145 per day and a combined lodging tax of \$20.30, which

included a \$5.80 occupancy tax, a \$7.25 state sales tax, and a \$7.25 city sales tax. For the period from January 15 to 27, 2017, he was charged a lodging rate of \$97 per day and a combined lodging tax of \$13.58, which included a \$3.88 occupancy tax, a \$4.85 state sales tax, and a \$4.85 city sales tax. Mr. Jackson's hotel receipts showed credits for city and state sales taxes that totaled \$575.60. Mr. Jackson charged his hotel expenses to his government credit card.

On March 15, 2017, Mr. Jackson submitted a voucher for reimbursement of his TDY expenses. Mr. Jackson claimed the full amount of lodging taxes, including the state and city sales taxes for those days that he received credits. The USACE reimbursed Mr. Jackson for his claimed TDY expenses.

On May 18, 2017, a post TDY audit determined that Mr. Jackson had been overpaid in the amount of \$633.60. USACE sent Mr. Jackson a demand letter for payment of that amount with no explanation as to the basis for the debt. Mr. Jackson subsequently submitted his claim to the Board.

The USACE asserted in its agency report that Mr. Jackson had been improperly reimbursed for city and state sales taxes for which he had received credits as shown on his hotel receipts. Subsequently, the USACE reduced the amount of Mr. Jackson's debt to \$575.60, which is reflected in a revised statement of account.

Discussion

The issue in this matter is whether the USACE has properly asserted a debt against Mr. Jackson for the amount of the credits shown on his hotel receipts for city and state sales taxes. Generally, the Federal Travel Regulation (FTR) requires that a claimant must provide evidence of lodging expenses. 41 CFR 301-52.4(b)(1) (2016). An agency may disallow reimbursement of an expense that is not authorized. *Id.* 301-52.8(c). This Board has recognized that a "claimant is not entitled to be reimbursed for expenses he did not incur." *Michael W. Eck, Sr.*, CBCA 3383-TRAV, 14-1 BCA ¶ 35,527, at 174,123.

The record shows that Mr. Jackson claimed and received reimbursement for lodging taxes, including city and state sales taxes, while he was on TDY. Although he received credits on his hotel bills for city and state sales taxes that totaled \$575.60, his travel claim did not reflect a reduction for the amount of that credit. The USACE has reduced the amount of Mr. Jackson's debt, which was originally \$633.60, to \$575.60, which equals the amount of the credits for city and state sales taxes that appear on his hotel receipts. The documentary record supports the USACE's claim for that amount. Mr. Jackson has not offered any evidence to the contrary.

Decision

The claim is denied.

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge