



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 2, 2019

CBCA 6451-TRAV, 6483-TRAV

In the Matters of MILES K. FRAMPTON and JAMES B. ALLEN

Miles K. Frampton, Camarillo, CA, Claimant in CBCA 6451-TRAV.

James B. Allen, Camarillo, CA, Claimant in CBCA 6483-TRAV.

Maria Y. Tinajero, Travel Specialist, Naval Postgraduate School, Naval Support Activity Monterey, Department of the Navy, Monterey, CA, appearing for Department of the Navy.

SULLIVAN, Board Judge.

Miles K. Frampton and James B. Allen appeal the denial of their claims for reimbursement of lodging costs incurred while on temporary duty at the Naval Postgraduate School (NPS) in Monterey, California. NPS denied their claims because they stayed in short-stay rental homes that they obtained through a website maintained by a company specializing in vacation rentals. Because NPS is required by law to reimburse Messrs. Frampton and Allen their lodging costs incurred on official travel provided their claims meet regulatory requirements, we grant Mr. Allen's claim in full and Mr. Frampton's claim in part.

Background

Messrs. Frampton and Allen traveled to NPS for a period of more than sixty days. In making arrangements for lodging, Mr. Allen searched the Defense Travel System (DTS), the travel management system for the Department of Defense (DOD), for lodging for the period he would be in Monterey, but the search resulted in no hotels that matched his search criteria. When he submitted his travel arrangements for approval, Mr. Allen noted that he would

occupy “rental/leased housing” while in Monterey. Mr. Frampton was told by the NPS travel office that the travel management center would not find long-term lodging and advised that lodging could be secured through a local property management office. NPS disputes that this conversation took place, but an email between the travelers’ team lead and the NPS travel office describes how a traveler would be reimbursed for a long-term residential lease. After the trip was completed, the approving official for the travel sent an email to both Messrs. Frampton and Allen noting that they had chosen to stay in long-term rentals, and because the arrangements for this long-term rental could not be made through DTS, they had incurred a reservation fee that should be reimbursed.

Despite this message, NPS denied the claims for reimbursement. Messrs. Frampton and Allen submitted with their claims for reimbursement a statement from MontereyRentals.com, a property management firm, that detailed the charges each of them had incurred while staying in long-term rentals from January 7 through March 17, 2019, a period of sixty-nine days. These charges were for accommodations, housekeeping, and a reservation fee. Mr. Frampton also incurred charges for utilities. The lodging per diem for Monterey for January through March 2019 was \$154 per night.

Discussion

“A government traveler on [temporary duty] is entitled to reimbursement for his or her lodging costs as a matter of statutory right.” *Mark J. Lumer*, CBCA 2169-TRAV, 11-2 BCA ¶ 34,780, at 171,165. This statutory right is found in 5 U.S.C. § 5702(a)(1) (2012). Pursuant to this statutory direction, the Federal Travel Regulation (FTR) provides that an employee is to be reimbursed “actual lodging cost not to exceed the maximum lodging rate for the TDY location.” 41 CFR 301.11.100 (2018). When federal travelers obtain lodging on a “long-term basis (e.g., weekly or monthly) [the] daily lodging rate is computed by dividing the total lodging cost by the number of days of occupancy.” *Id.* 301.11.14. Both the FTR and the Joint Travel Regulations (JTR), to which Messrs. Frampton and Allen are subject as civilian DOD employees, provide that agencies may also reimburse costs for housekeeping and utility service for long-term rentals. *Id.* 301.11-15; JTR 020303-G.

NPS denied the claims because it believed that regulations and other travel guidance prohibited reimbursement of claims for use of a vacation rental, obtained through a website, used for lodging while on official travel. The FTR requires federal travelers to use their agency’s travel management service when making lodging reservations. 41 CFR 301-11.11. If a federal employee fails to use their agency’s travel management service when available, the employee is responsible for “any additional costs . . . resulting from the failure” to use the system. *Id.* 301-73.105. The JTR provide that “[i]f a federal traveler cannot book commercial lodging using the [electronic travel system] then the traveler must book directly

with the commercial lodging facility (including the hotel's online Web site [sic])." JTR 020303-A.3. If the travel management system "is not available and the traveler incurs a transaction fee for arranging lodging, the transaction fee is a reimbursable expense." *Id.* 020303, tbl. 2-16, 13.

NPS incorrectly denied reimbursement of all lodging expenses based upon the fact that Messrs. Frampton and Allen obtained lodging through MontereyRentals.com. Messrs. Frampton and Allen are entitled to be reimbursed their lodging expenses as long as those expenses do not exceed the per diem amount for the locality. NPS also cannot deny reimbursement of the reservation fee, based upon the documentation provided by Mr. Allen and the conversation reported by Mr. Frampton. The DTS could not provide lodging for the period of time that Messrs. Frampton and Allen were in Monterey, meaning that the electronic travel system was unavailable. Pursuant to the JTR, the reservation fees are therefore reimbursable. Because the lodging was acquired on a long-term basis, the charges incurred for housekeeping and utilities are also reimbursable.

NPS highlights the requirement that federal travelers "must reserve lodging compliant with U.S. Fire Administration guidelines through the electronic travel system." JTR 020303. However, the statutory requirement upon which this regulation is based only requires that "each agency shall ensure that not less than 90 percent of the commercial-lodging room nights for employees of that agency for a fiscal year are booked in approved places of public accommodation." 5 U.S.C. § 5707a(a)(1). Thus, the requirement is for the agency, not an employee, and does not provide a basis to override the statutory requirement that employees be reimbursed their lodging expenses incurred on official travel.

NPS also notes the requirement that receipts from online booking services must identify the daily hotel room costs, daily hotel taxes, and daily miscellaneous fees. JTR 0203030-A.4. The website that Messrs. Frampton and Allen used is more akin to a booking directly with the commercial lodging facility, but even if the website were an online booking service, the documentation provided by Messrs. Frampton and Allen provides sufficient information to calculate the daily lodging costs and determine that those daily costs are below the lodging per diem for the area. *See Scott M. Torrice*, CBCA 2431-TRAV, 11-2 BCA ¶ 34,839, at 171,386.

NPS also denied a portion of Mr. Frampton's claim because he sought reimbursement for lodging costs that Mr. Frampton incurred on behalf of another employee whose credit card would not accept the housing charge. NPS was correct to deny reimbursement of this portion of the charges. When two employees share a room, each employee may only receive reimbursement for one-half of the occupancy rate. 41 CFR 301.11-13. Pursuant to the DOD Financial Management Regulation, "[r]eimbursements to travelers that pay for other

traveler's expenses are strictly forbidden. Travelers are only reimbursed for expenses, which they themselves incur, and not for expenses incurred by, or on behalf of, any other government personnel." DOD 7000.14-R, vol. 9, Ch. 8, 080401(H) (Mar. 2018). The agency should reimburse Mr. Frampton half the costs that he incurred for the period January 7–February 6, 2019.

The calculated daily rate for both Mr. Allen and Mr. Frampton is below the \$154 per diem. The agency should reimburse Messrs. Allen and Frampton in accordance with this opinion.

Decision

Mr. Allen's claim is granted. Mr. Frampton's claim is granted in part.

Marian E. Sullivan
MARIAN E. SULLIVAN
Board Judge