



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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May 13, 2024

CBCA 8021-TRAV

In the Matter of TODD R.

Todd R., Claimant.

Nancy L. Caldwell, Chief, Travel Section, Customs and Border Protection, Department of Homeland Security, Indianapolis, IN, appearing for Department of Homeland Security.

**CHADWICK**, Board Judge.

Claimant requested the Board's review of the agency's determination that it overpaid claimant \$123.98 for driving and parking a personal vehicle. Because the Federal Travel Regulation (FTR) contains no exception to the rule that reimbursement for parking a personal vehicle at an airport may not exceed the cost of using a taxi or rideshare service, claimant was overpaid. The agency miscalculates the overpayment, however. The agency relies on an asserted "policy" to deny reimbursement for vehicle mileage, but the FTR does not limit mileage reimbursement on the same basis that it limits parking reimbursement.

Background

Claimant lives and works in Michigan and attended training in Texas for twelve days in July 2023. His travel orders authorized him to drive a personal vehicle to and from the regional airport, a distance worth \$29.48 under the applicable mileage rate, and authorized \$336 for "Parking/Tolls." The agency initially reimbursed claimant \$365.48, the sum of the \$29.48 for mileage and \$336 (\$28 per day) for parking. After an audit, the agency decided that the FTR limits the total of the mileage and parking reimbursements to \$241.50, the amount the agency found it would have cost claimant to use Lyft instead of his vehicle. The agency seeks the difference of \$123.98.

Complicating the matter, the parties agree that claimant could not, in fact, have traveled by Lyft or any other available ride service, because he needed to transport a firearm.

### Discussion

The FTR provides that an employee who is authorized to use a personal vehicle for official travel will be paid “an applicable mileage rate” published by the General Services Administration. 41 CFR 301-10.303 (2023) (FTR 301-10.303). The rate is not capped by any cost comparison. Whether the agency paid claimant at the published mileage rate is not in dispute.

The FTR also provides that an airport “parking fee [i]s an allowable transportation expense not to exceed the cost of” taxis or similar services, such as “innovative mobility technology compan[ies],” commonly known as rideshare applications, such as Uber and Lyft, for the round trip. FTR 301-10.308; *see id.* 300-3.1 (definitions); *Michael A. Lopez*, CBCA 6170-TRAV, 18-1 BCA ¶ 37,108, at 180,617.

Claimant argues that FTR 301-10.308 was “impossible to comply with” because there was “no guarantee” that a hired driver would arrive on time (an assertion we discount as speculative) and, more relevantly, that, as the agency acknowledges, Uber and Lyft do not allow firearms in the hired vehicles. Such factors, even if established, would not make the reimbursement rule impossible to apply. FTR 301-10.308 does not require a particular mode of travel. It simply limits reimbursement for parking based on a specified cost comparison. The result may be that a traveler is not fully reimbursed under a voucher. Had the FTR writers intended to authorize agencies to waive the limit on parking reimbursement if the travel modes used for comparison, such as rideshare transportation, were unsuitable for a particular trip, we presume they would have said so. We apply the “regulation, as written.” *John E. Gartland*, CBCA 6880-RELO, 20-1 BCA ¶ 37,698, at 183,018; *see, e.g., Johnnie P. Saunders, Jr.*, GSBCA 16791-TRAV, 06-1 BCA ¶ 33,223, at 164,641 (finding “no authority” under earlier FTR “to grant a larger reimbursement” for parking than a round-trip taxi fare). We decline to create a “firearm exception” or a similar workaround to the language of the FTR.

Claimant does not challenge the agency’s use of a round-trip Lyft fare of \$241.50 as the cost comparison. Capping claimant’s parking fees at \$241.50, rather than the amount he was paid for parking (\$336), yields an overpayment of \$94.50.

The agency maintains that it also improperly paid claimant the \$29.48 for mileage, as “[Department of Homeland Security] policy, memorialized in its Financial Management Policy Manual (‘FMPM’), . . . specifies that” private vehicle expenses “cannot be reimbursed in excess of the equivalent cost of a round-trip fare.” The agency did not submit an excerpt

from, or otherwise direct us to, its FMPM. *Cf. Amie S. Clarke*, CBCA 2701-RELO, 13 BCA ¶ 35,191, at 172,674 (2012) (denying reconsideration where, among other things, the agency showed no “just cause for its failure to . . . submit its policy provisions in the original proceedings”). Even assuming that the agency policy is as stated, however, we would find it inapplicable for at least two reasons.

The agency cannot show a true “equivalent cost” of Uber or Lyft to use for comparison with the mileage rate. Since, as the agency admits, claimant could not actually have used either rideshare service, neither one would be “equivalent” to using claimant’s own vehicle. (FTR 301-10.308, discussed above, does not require a trip used as a cost comparison for parking reimbursement to be “equivalent.”) Further, even if agency policy would deny reimbursement for mileage here, that would only mean that the policy “is inconsistent with [the] FTR provision” on reimbursement for mileage, “is consequently trumped by the FTR[,] and must give way.” *Kevin D. Reynolds*, CBCA 2201-RELO, 11-1 BCA ¶ 34,756, at 171,061; *see also Ira E.*, CBCA 6881-RELO, 21-1 BCA ¶ 37,855, at 183,825 (agencies “may not construe [FTR] provisions in a manner that is inconsistent with . . . constructive cost” requirements for “the authorized method of transportation”). As explained, the FTR plainly requires comparing the costs of other ride sources to limit reimbursement for parking, but not for mileage, when use of a personal vehicle is authorized.

We do not understand the agency to argue that claimant’s supervisors abused their discretion by authorizing him to drive his personal vehicle to and from the airport. *See generally* FTR 301-10.300. The record suggests no other reasonable options.

### Decision

We grant the claim in part. Claimant owes the agency an overpayment of \$94.50.

*Kyle Chadwick*  
KYLE CHADWICK  
Board Judge