



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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September 24, 2025

CBCA 8526-RELO

In the Matter of KENRICK C.

Kenrick C., Claimant.

Erica L. Avery, Assistant General Counsel, Defense Intelligence Agency, Washington, DC, appearing for Department of Defense.

**LESTER**, Board Judge.

Claimant recently retired from federal service with the Defense Intelligence Agency (DIA) after returning to the continental United States (CONUS) from his last DIA permanent duty station (PDS), which was located outside the continental United States (OCONUS). He seeks to recover an amount not to exceed (NTE) the constructed cost of two commercial air flights (one for himself, and one for his spouse) for his return from his OCONUS PDS to his CONUS home of record. Because claimant and his spouse returned on a transatlantic cruise ship rather than by commercial air, which was the mode of transportation approved in his travel authorization, DIA denied the reimbursement request. The claim is granted.

Background

Anticipating completion of his tour of duty at his OCONUS PDS and his retirement from federal service at the end of September 2024, claimant was authorized to return, for separation, from his OCONUS PDS to his actual CONUS residence. In box 11 on his DD Form 1614 travel authorization, issued August 13, 2024, claimant's approving and authorizing officials granted him and his spouse authority to travel back to CONUS by air on a commercial aircraft.

Claimant informs us that, in June 2024, prior to the issuance of the travel authorization, he had discussed with his approving official his and his spouse's desire to return to CONUS by transatlantic cruise ship rather than by airplane. He reports that, because his spouse has difficulty flying for medical reasons, the cruise was the best option for returning to their CONUS destination. Claimant represents that his approving official gave him verbal approval to travel by cruise ship with the caveat that travel cost reimbursement for each traveler could not exceed the constructed cost of a commercial flight from the OCONUS duty station to the CONUS destination. In the August 13 travel authorization, the approving official identified that constructed cost as \$863 per person. Claimant represents that, prior to his departure from his OCONUS duty station in early October 2024, he had several conversations with approving officials about his travel and that "each time [he] was reassured it would not be a problem receiving NTE per person amounts indicated on [his] orders." Accordingly, he made arrangements for his and his spouse's return travel on a transatlantic cruise ship, albeit at a cost higher than the constructed cost of a commercial air flight.

In March 2025, after he and his spouse had returned to their CONUS destination on the cruise ship, claimant submitted his travel voucher seeking reimbursement of \$1726—that is, the constructed cost of two commercial air flights (one for himself and one for his spouse) at \$863 per ticket, which was the constructed cost amount identified in his travel authorization.

In June 2025, the DIA Office of Human Resources (OHR) notified claimant that his reimbursement request was denied, explaining as follows:

After careful consideration with OHR [permanent change of station (PCS)] leadership, I'm truly sorry to let you know that we are unable to approve payment for the government-constructed airfare rate at this time.

The Joint Travel Regulations (JTR), paragraph 010201.B, guide us in this process. The Approving Official (AO) must ensure that travel is necessary and appropriate to the mission and that all expenses claimed are valid and reasonable. Unfortunately, expenses that seem inflated or higher than typical local rates cannot be approved. The JTR also requires the AO's permission for certain expenses, like mode of transportation, either before or after travel, depending on the circumstances.

Claimant responded that his approving official had previously acknowledged that "the U.S. Government is responsible for my OCONUS return to CONUS and that I could take the cruise ship back to CONUS, but [with] travel reimbursement . . . limited to the cost of the

government-provided transportation by the most economical mode of travel (airfare cost) from my PDS to my home of record, and that it may not exceed NTE per person amount indicated on my orders, which is the exact amount I requested in my travel voucher (\$863 x 2 = \$1,726).” He reiterated that “I am only asking for reimbursement for what the airfare would have cost per my travel voucher.”

On July 21, 2025, the Board received claimant’s request for review of his claim, which the Clerk of the Board docketed as CBCA 8526-RELO. DIA assigned counsel to respond to the claim, who, in the agency’s response brief, informed the Board of a JTR provision, JTR 020207-B (Oct. 2024), of which DIA OHR apparently was unaware when it denied claimant’s reimbursement request, which counsel appropriately acknowledged affects the result here.

### Discussion

#### I. Reimbursement For Other Than the Authorized Mode of Transportation

When it denied claimant’s reimbursement request, DIA OHR cited to JTR 010201-B, which provides that the approving official is the individual who “authorizes or approves the valid expenses” and that, “[i]f the JTR indicates an expense, allowance, or other item must or may be authorized (*such as the mode of transportation*), it means the [approving official] must give permission before the action takes place.” *Id.* (emphasis added).<sup>1</sup> DIA OHR determined that, because claimant used a different mode of transportation than the one approved in the travel authorization, claimant was entitled to no reimbursement for his and his spouse’s return travel.

We need not delve into claimant’s allegations that he discussed with approving officials before his departure his plans to travel by cruise ship rather than commercial air or

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<sup>1</sup> To the extent that, in its original email denying the claim, DIA OHR was suggesting that the approving official had not “ensure[d] that [claimant’s] travel [was] necessary and appropriate to the mission,” as required by JTR 010201-B, it is clear from Federal Travel Regulation 302-3.300 (41 CFR 302-3.300 (2024)) that the agency “must pay one-way transportation expenses” for a retiring employee who has completed OCONUS duty as specified in the employee’s service agreement, as well as for his family members. *Id.* If DIA OHR was suggesting to claimant that the approving official could have denied the employee’s return travel because the return did not fit the agency’s mission, the agency has identified no basis for such an assertion. There is no allegation here that claimant did not complete the service agreement obligations that entitled him to return travel.

consider the effect of those discussions on the “mode of transportation” that was authorized for his CONUS return. That is because the JTR makes clear that, if a traveler travels by transoceanic ship rather than using the mode of transportation approved in the travel authorization, the traveler still gets reimbursed for at least some incurred costs. Although reimbursement is limited to the constructed cost of what it *would* have cost had the traveler used the authorized mode, travel by cruise ship does not mean that the returning traveler gets *nothing*:

Transoceanic Ship Travel. Reimbursement for a traveler who uses unauthorized or unapproved transoceanic ship travel is limited to the policy-constructed cost. The policy-constructed cost is the sum of the transportation cost and the [travel management company] fee that the Government would have incurred if travel had been performed using the authorized transportation type.

JTR 020207-B. This JTR provision is consistent with the more general rule (not specifically limited to transoceanic ship travel) set forth in the Federal Travel Regulation (FTR) authorizing travel reimbursement where an employee uses a method of transportation other than the one authorized by the agency:

**What is my liability if I do not travel by the authorized method of transportation?**

If you do not travel by the method of transportation required by regulation or authorized by your agency, any additional expenses you incur which exceed the cost of the authorized method of transportation will be borne by you.

FTR 301-10.6 (41 CFR 301-10.6 (2024)); *see* FTR 301-10.8 (“[I]f, for personal convenience, [an employee] travel[s] by an indirect route or interrupt[s] travel by a direct route,” the employee’s “reimbursement will be limited to the cost of travel by a direct route or on an uninterrupted basis,” and the employee “will be responsible for any additional costs.”). Applying these FTR and JTR provisions, claimant is entitled to reimbursement of \$1726, the constructed cost of his authorized mode of transportation.

II. Reimbursement for Travel on a Foreign-Flagged Vessel

In its response brief, DIA raised a previously unidentified potential basis for precluding reimbursement, although, in doing so, it informed the Board that, in the circumstances here, it doubts that it bars relief to claimant.

DIA represented that “the constructed cost reimbursement for use of a foreign flag ship is only available if it meets the requirements of the Fly America Act” (FAA), 49 U.S.C. § 40118 (2018), which “requires that the U.S. flag carriers be used for all commercial transportation when the Government funds the travel” unless a U.S. flag carrier is unavailable. Agency’s Response (Aug. 28, 2025) at 1. Although the FAA speaks only to transportation by air, *see Kenneth M. Curtis*, 58 Comp. Gen. 649, 650 (1979), the FTR and JTR apply the same standard from the FAA to transportation by ship. FTR 301-10.180, -10.181; JTR 020206-I. Generally, “an employee is personally liable for violations of the [FAA] even [if] he relied on the advice or assistance of others in arranging his travel.” *Ray E. Spears*, B-203192, 1982 WL 28235 (Feb. 16, 1982).

Nevertheless, the funding restrictions of the FAA do not apply if a United States flag carrier was unavailable for the OCONUS-to-CONUS travel. 49 U.S.C. § 40118(a)(3). DIA reports that it has been unable to locate any United States flag passenger ships that could have transported claimant and his spouse to their CONUS destination in October 2024. To the extent that an American flag freight vessel might have been available, travelers are not required to travel on freight vessels (with restricted, if any, passenger accommodations), and the availability of United States flag freight vessels does not weigh into the analysis of the availability of United States flag passenger ships. *See* 33 Comp. Gen. 138, 139-40 (1953) (applying the now-rescinded Merchant Marine Act, which contained funding restrictions similar to the FAA).

Although United States flag *air* carriers presumably were available to claimant and his spouse, the Comptroller General has previously determined that a traveler returning from OCONUS duty can elect to travel home by ship, rather than air, and should be allowed to utilize a foreign-flagged passenger ship for the return if no United States flag passenger ships are available, 33 Comp. Gen. at 140, even though, were the traveler to fly, he presumably could have found a United States flag air carrier. Given the Comptroller General’s prior responsibility (as the Board’s predecessor) for deciding travel and relocation claims, “[t]he [Comptroller General’s] understanding of the law is persuasive and of long standing, so we will follow it” here. *Kenath O. Traegde*, GSBCA 16842-TRAV, 06-2 BCA ¶ 33,303, at 165,141. DIA is entitled retroactively to authorize claimant’s use of a foreign-flagged ship in the circumstances here. *See Maynard A. Satsky*, GSBCA 16632-RELO, 05-2 BCA ¶ 33,042, at 163,767 (requiring retroactive approval of the use of a foreign-flagged carrier (citing 41 CFR 301-2.5(b), which requires “specific authorization *or* prior approval for . . . [u]se of a foreign air carrier or foreign ship” (emphasis added)) where “there was no realistic alternative for the travel [using the mode of transportation that the traveler used] by the most direct route”).

Decision

Claimant is entitled to reimbursement of \$1726, the NTE cost of his and his spouse's return travel by commercial passenger ship.

*Harold D. Lester, Jr.*  
HAROLD D. LESTER, JR.  
Board Judge