

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

May 31, 2001

GSBCA 15425-RELO

In the Matter of THOMAS SLONAKER

Thomas Slonaker, Washington, DC, Claimant.

R. Schuyler Leshner, Deputy Chief Financial Officer, Office of the Secretary, Department of the Interior, Washington, DC, appearing for Department of the Interior.

NEILL, Board Judge.

Claimant, Mr. Thomas Slonaker, is a political appointee who was nominated in February 2000 to be the Special Trustee for American Indians. He received Senate confirmation of his appointment on May 24, 2000. Following his confirmation, an order was promptly placed by the Department of Interior for shipment of his car from his home in Arizona to the District of Columbia area. Pending arrival of this vehicle, he rented a car for his own personal use. The cost of this rental amounts to \$457.70. He has sought reimbursement for this cost, but his claim has been denied by his agency. He asks that we review the matter and authorize payment. For the reason stated below, we affirm the agency determination and deny the claim.

Discussion

It is not surprising that a Government employee, used to having a personally owned vehicle available for local transportation purposes, should, upon arrival at a new permanent duty station, think to rent a vehicle while awaiting the shipment of this vehicle from his or her former residence. Unfortunately, however, there is no specific statute or regulation authorizing reimbursement for such an expense.

While we have not yet confronted a case such as this where the claimant is a new appointee, it is well settled under the Federal Travel Regulation (FTR) that transferred employees, although entitled to certain relocation expenses upon arrival at a new duty station, may not be reimbursed for local transportation costs incurred for any purpose at their new duty station -- the only exception being transportation costs incurred in the performance of official business. 41 CFR 302-5.18 (2000). We have specifically held that this applies to the cost of a car rented by an employee while awaiting shipment of a personally owned vehicle from his or her prior duty station. Michael L. Noll, GSBCA 15136-RELO, 00-1

BCA ¶ 30,887; Donny Flores, GSBCA 15072-RELO, 00-1 BCA ¶ 30,648 (1999); Thomas S. Ward, GSBCA 13825-RELO, 97-1 BCA ¶ 28,955. Indeed, we have affirmed this prohibition even where a rental car has been authorized inadvertently in contravention of the prohibition. E.g., Andrew Parr, GSBCA 14058-RELO, 98-1 BCA ¶ 29,426 (1997).

The principle behind this FTR prohibition is no less applicable to Mr. Slonaker as a new appointee. The general rule has traditionally been that while an agency may reimburse an employee for transportation expenses associated with official business, an employee's travel expenses associated with commuting or incurred purely for personal convenience are solely for his or her account. E.g., Carrie L. McWilliams, GSBCA 15028-RELO, 99-2 BCA ¶ 30,497; Guenther Moehrke, B-252142 (July 6, 1993).

In commenting upon the agency report filed in this case, Mr. Slonaker contends that there is a "hole" in the current regulations. He states that the regulations do not deal with the local transportation expenses of a political appointee who begins work immediately after Senate confirmation but prior to the arrival of a shipped or driven personal car. Admittedly, the FTR, as it currently reads, has no specific provision covering such a situation. Nevertheless, we fail to see the need for one. Presumably anyone named to such a critical post should immediately have access to any local transportation necessary to conduct official business. As for transportation for purely personal use, this would remain a cost for which any newly appointed official should be disposed to respond personally.¹

In any event, we are aware of no statutory or regulatory provision allowing the claimant to be reimbursed for the cost of a car he rented for three weeks during which he was

awaiting the arrival of his own vehicle from Arizona. We, therefore, are unable to grant him the relief he requests.

EDWIN B. NEILL
Board Judge

¹It is our understanding from a review of the record that the vehicle which Mr. Slonaker rented was solely for personal use and not for official business. In the event it was used for the latter in whole or in part, then we would have no objection to his agency reimbursing him for this cost either in its entirety (if appropriate) or on a pro rata basis.