

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

April 16, 2004

GSBCA 16380-RELO

In the Matter of ROYLINNE WADA

Roylinne Wada, Honolulu, HI, Claimant.

Barbara Martin, Accounting Technician, National Business Center, Office of the Secretary, Department of the Interior, Washington, DC, appearing for Department of the Interior.

DeGRAFF, Board Judge.

When an agency authorizes an employee to use a rental car and the employee uses the car for personal business as well as for official business, the employee must bear any additional cost incurred due to the personal use of the car.

Background

In late September 2003, the Department of the Interior issued a travel authorization to Roylinne Wada, transferring her from Washington, D.C., to Hawaii. Interior specifically authorized Ms. Wada to incur reimbursable expenses for a rental car, among other items. Interior authorized her to rent a car because her own car was being shipped from her old duty station, and Interior thought it would be advantageous to the Government if Ms. Wada had a car at her disposal when she arrived at her new duty station. Ms. Wada relocated to Hawaii in late October 2003, moved into temporary quarters, and rented a car for twenty-five days. Ms. Wada asked Interior to reimburse her \$963.97 for the cost of the rental car and fuel.

In March 2004, Interior decided applicable regulations did not allow it to pay Ms. Wada for her rental car expenses. In addition, Interior decided the travel authorization was ineffective to the extent it conflicted with the regulations. Interior submitted Ms. Wada's claim to us for review.

In response to Interior's submission, Ms. Wada says she used the rental car primarily for official business, although she also used it to drive from her temporary quarters to her office. Ms. Wada was transferred to Hawaii in order to establish an Interior field office. As

the first person to arrive and the most senior person in the office, she was responsible for procuring equipment and supplies from vendors, many of whom were not located near the office, in order to furnish the office. In addition, her official duties required her to attend meetings away from the office. She used the rental car in order to procure the items needed to furnish the office and also to attend the offsite meetings. Ms. Wada believes Interior should either reimburse her for the cost of the rental car or waive any debt she owes to the agency.

Discussion

The Federal Travel Regulation (FTR) allows an agency to authorize an employee to incur reimbursable rental car expenses if the rental car is used to transact official business and if the use of a rental car is advantageous to the Government. 41 CFR 301-2.2, -10.4, -10.450 (2003). The FTR does not allow an agency to reimburse an employee for rental car expenses if the rental car is used for the employee's commute to and from work while the employee is in temporary quarters. 41 CFR 302-6.18. If an employee is authorized to use a rental car and uses it for anything other than official business, the employee must bear any additional cost that results from the personal use of the car. 41 CFR 301-10.453. We examine Ms. Wada's claim in light of these principles.

The travel authorization issued by Interior did not conflict with the regulations because Interior determined it would be advantageous to the Government if Ms. Wada rented a car and Ms. Wada used the car in part to transact official business. Ms. Wada does not have to bear the entire cost of renting the car. She is responsible only for the additional cost, if any, that resulted from her personal use of the car. We cannot determine from the material submitted to us whether Ms. Wada's personal use of the car resulted in any additional cost. If it did not, Interior should reimburse Ms. Wada the entire \$963.97. If, however, there was an additional cost due to her personal use of the car, she is responsible for this additional cost. If Ms. Wada is responsible for any additional cost, she may ask Interior to waive the amount for which she is responsible.

MARTHA H. DeGRAFF
Board Judge