

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

October 25, 2001

GSBCA 15434-TRAV

In the Matter of JACQUELINE T. HODGES

Jacqueline T. Hodges, Folsom, PA, Claimant.

P. Dwight Holman, Deputy Chief for Management, Natural Resources Conservation Service, Washington, DC, appearing for Department of Agriculture.

WILLIAMS, Board Judge.

The agency properly exercised its discretion in denying claimant extended travel expenses for her commute between her home and temporary duty (TDY) location where her TDY location was some fifty miles closer to claimant's home than was her permanent duty station.

Background

In January 1996 claimant and four other employees of the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), were reassigned from Chester, Pennsylvania, to NRCS national headquarters in Washington, D.C. These five employees elected not to participate in the General Services Administration's (GSA's) relocation program and instead retained their homes in Pennsylvania, rented apartments in Washington, D.C., and commuted every weekend from Washington, D.C., to Pennsylvania -- in claimant's case a distance of some 122 miles each way, with an estimated one-way driving time of two hours, twelve minutes.

According to NRCS' Deputy Chief for Management, Ms. Hodges' supervisor observed that she was physically tired from these self-imposed commuting trips and was concerned about her job-related stress and the impact on her physical well-being and job performance. Therefore, the agency contacted the NRCS' New Jersey office to see if a detail could be arranged for Ms. Hodges. The primary intent of the detail was to allow Ms. Hodges to eliminate her rental costs in the Washington, D.C., area and decrease her long commuting hours.

Effective on August 11, 1997, Ms. Hodges was officially detailed to Somerset, New Jersey, for two months. The agency claims that it "inadvertently agreed in writing to pay [Ms. Hodges] for travel and [meals and incidental] expenses for this period." Ms. Hodges' detail was extended in writing for an additional two months, from October 13, 1997, until December 13, 1997, but no mention was made in the authorization of reimbursements for travel or meals and incidental expenses.

Ms. Hodges' detail continued for the entire calendar year 1998 without any written authorization, because, according to the agency, "of the managerial intent of this detail." Claimant remained on this detail without written authorization until she retired on August 3, 1999. Ms. Hodges was actually working at the location of her detail between August 11, 1997, and August 3, 1999, with the knowledge of her supervisor, as reflected in her performance evaluation for October 1, 1997, through September 30, 1998. Claimant's performance evaluations and other official personnel actions listed Washington, D.C., as her duty station during this time.

Claimant did not submit any claim for travel or meals and incidental expenses related to her detail until July 29, 1999. In that claim, Ms. Hodges provided an itemized list of her travel expenses for commuting 180 miles round trip each day between her home in Folsom, Pennsylvania, and Somerset, New Jersey, and sought reimbursement of \$20,962.80.¹

After initially denying the claim verbally, the agency reimbursed Ms. Hodges in the amount of \$3738.60 for expenses incurred while on detail from August 11, 1997, through December 10, 1997. Her remaining travel claim for \$18,261.40 was denied on the ground that the intent of the detail was primarily for the benefit of Ms. Hodges, since NRCS' national headquarters office paid her salary for two years, received no reimbursement from its New Jersey office, and no benefit from her work product. The agency also determined that claimant did not submit her claim for travel reimbursement in a timely manner under Federal Travel Regulation 301-52.7, 41 CFR 301-52.7 (1997), which requires employees to submit travel claims within five working days after completing travel, or every thirty days if on continuous travel.

Discussion

It is a longstanding rule that because an employee's daily commute between his home and his office is personal, not official, business agencies may not reimburse employees for commuting expenses. Jerry R. Teter, GSBCA 15292-TRAV, 00-2 BCA ¶ 30,957; Leon Rodgers, Jr., GSBCA 14678-TRAV, 99-1 BCA ¶ 30,376; John B. Courtney, GSBCA 14508-TRAV, 98-2 BCA ¶ 29,791; Freddie G. Fenton, GSBCA 13638-TRAV, 97-1 BCA ¶ 28,712. However, this prohibition applies to an employee's commute between his permanent duty station and his home. In situations such as this, where an employee commutes between his residence and a temporary duty location, the agency has the discretion to decide whether to authorize a mileage allowance. As the Comptroller General recognized in Bureau of Alcohol, Tobacco and Firearms, B-255767 (May 2, 1994):

¹According to MapQuest, the one-way distance between claimant's home address in Folsom, Pennsylvania, and her duty station in Somerset is 73.4 miles, with an estimated driving time of one hour, forty-three minutes.

[W]hether to authorize a mileage allowance for travel to a temporary duty location near an employee's permanent duty station is not required, but is a matter within agency discretion, considering the interests of the employee and the government. See Kenneth L. Peck and Mark N. Snow, B-198887, Sept. 21, 1988; and Howard M. Feuer, 59 Comp. Gen. 605 (1980), and decisions cited therein. Furthermore, agencies may impose limitations on the reimbursement available to employees to ensure that the employee is reimbursed only for the increased costs of commuting to a temporary duty site. . . . Brian E. Charnick, B-184175, June 8, 1979.

Here, there was no increase in claimant's costs of commuting to the TDY site, but the agency exercised its discretion to grant claimant four months of mileage expenses. Under the circumstances here where claimant's commute was significantly shortened by her detail to Somerset, she suffered no adverse financial consequences by virtue of the detail, and benefitted by being approximately fifty miles closer to her home, we will not overturn the agency's rational decision to limit mileage reimbursement to a four-month period.

Decision

The claim is denied.

MARY ELLEN COSTER WILLIAMS
Board Judge