

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

September 30, 2004

GSBCA 16384-TRAV

In the Matter of JOEL BUTCHER

Joel Butcher, Heber, UT, Claimant.

Michael Clonts, Director, Financial Resources, Forest Service, Department of Agriculture, Ogden, UT, appearing for Department of Agriculture.

GOODMAN, Board Judge.

Claimant, Joel Butcher, is an employee of the United States Department of Agriculture. He has requested that this Board review the agency's denial of his request for reimbursement of costs incurred while he was on temporary duty (TDY).

Factual Background

Claimant was subject to a blanket travel authorization issued for all employees at the beginning of the fiscal year. Claimant and other employees were approved for travel to attend new employee orientation sessions in Salt Lake City, Utah, on February 12-14, 2004. Separate travel orders were not issued. Instead, all attendees were given specific information concerning three hotels in Salt Lake City where rooms were made available for attendees at a specific rate. Claimant's duty station is Heber, Utah. According to the agency, one employee living in Heber stayed in a designated hotel and the others, except for claimant, chose to commute in government vehicles.

Claimant states that he was first notified of his required attendance on February 4, 2004, after the extended deadline for making reservations at the designated hotels had passed. He did not contact any of the hotels approved by the agency at the training site, assuming rooms were no longer available. Instead, without the approval of his supervisor, he arranged lodging at a hotel in Brighton, Utah, and commuted from there to and from the training session. The rates at the hotel in Brighton were less expensive than the rates of the approved hotels at the TDY site. Claimant submitted his claim for reimbursement of travel expenses, requesting payment of per diem expenses but not mileage charges.

The agency denied the claim, based upon a statement of claimant's supervisor that claimant had indicated he wanted to stay at Brighton to meet friends and ski at night and the agency's conclusion that commuting from Brighton to the site of the orientation in Salt Lake City required more driving time than if claimant had commuted from his duty station in Heber. The agency also asserts that claimant violated Federal Travel Regulation (FTR) 301-2.3, also known as the prudent person rule, which states that "[a]n employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business." 41 CFR 301-2.3 (2003). The agency concluded that claimant's daily commute from Brighton was not in the best interest of the Government and only served to benefit claimant's personal activities.

Claimant states that the distance between his duty station and the training site was forty-seven miles, the distance from his duty station to the place of lodging was fifty-one miles (not sixteen miles as the agency asserts -- based upon road closures during the winter), and the distance between the place of lodging and the TDY site was twenty-two miles.

Discussion

Claimant was subject to a blanket travel authorization. He was specifically directed to arrange lodging at one of three hotels at the TDY location to attend a conference. While he states that he was beyond the deadline for making reservations at these hotels, he did not attempt to contact the hotels to determine availability of rooms, nor did he ask his supervisor for approval of alternate accommodations. Instead, claimant arranged lodging at a location farther away from his duty station than the TDY location from which he was still required to commute an additional twenty-two miles twice a day to attend the conference. The agency has submitted evidence that rooms were available.

It is fundamental that a federal civilian employee traveling on official business shall exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. See 41 CFR 301-2.3. While the agency asserts that claimant arranged to stay at this location so he could ski at night, the record is not sufficient to prove this allegation. Even so, we agree with that agency that claimant's lodging farther from his duty station than the location of the conference (and still needing to commute almost half the distance again to the conference location) and the fact that other attendees either stayed at the site of the conference or commuted from home supports the conclusion that there was no mission-related purpose to claimant's lodging arrangements, and that claimant's lodging arrangements were therefore not necessary for or related to claimant's temporary duty travel. See, e.g., Charles M. Ferguson, GSBCA 14568-TRAV, 99-1 BCA ¶ 30,299. Claimant is not entitled to reimbursement.

Decision

The claim is denied.

ALLAN H. GOODMAN
Board Judge