

# **Board of Contract Appeals**

General Services Administration  
Washington, D.C. 20405

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June 15, 2005

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GSBCA 16576-TRAV

In the Matter of JASON D. ROHLOFF

Jason D. Rohloff, Washington, DC, Claimant.

Amanda Bentley, National Business Center, Department of the Interior, Denver, CO,  
representing Department of the Interior.

**HYATT**, Board Judge.

Jason D. Rohloff, the Director of Federal Affairs for the State of Minnesota's Office of the Governor, has claimed reimbursement of \$109.02 in car rental insurance that he purchased in connection with invitational travel that he undertook to attend the Advisory Council on Historic Preservation's meeting in Charlottesville, Virginia, on November 17 and 18, 2004, on behalf of Minnesota Governor Tom Pawlenty.

The Advisory Council on Historic Preservation issued invitational travel orders to Mr. Rohloff for the purpose of his attendance at the November 2004 Fall Council meeting. Although the travel orders as issued authorized mileage in connection with the use of a personally owned vehicle (POV), Mr. Rohloff, who does not keep a car in the Washington area, subsequently received permission from the Advisory Council to rent a car to travel to Charlottesville from Washington, D.C. He was also given oral authorization to purchase collision and liability insurance from the car rental company to cover potential damage to the rental vehicle. He purchased the insurance because he had no personal source of coverage available for the rental car and he assumed that, since he is not a Federal Government employee, damage to the car while in his possession would not be eligible for coverage under the Government's self-insurance.

Upon his return to Washington, D.C., Mr. Rohloff sought reimbursement for the expenses he incurred in attending the meeting, including the cost of purchasing insurance coverage for the rental car. Although the expense voucher was approved by the Council, the Department of the Interior's National Business Center, which reviews the Council's vouchers for conformance with applicable regulations, determined that the car rental insurance was not an allowable expense and disallowed payment of this item.

Mr. Rohloff has asked the Board to review this decision.

### Discussion

Pursuant to 31 U.S.C. § 3702(2)(3)(2000) and a delegation of authority from the Administrator of the General Services Administration (GSA)<sup>1</sup>, the Board is authorized to settle claims of federal civilian employees for official travel and transportation. Under the Federal Travel Regulation (FTR), which implements the statutory scheme for compensating employees for official travel expenses, individuals who are not federal employees may be authorized travel allowances in connection with official activities of the Government. This is considered to be invitational travel and the travel allowances so authorized are the same as those normally authorized for employees in connection with temporary duty assignments. 41 CFR 300-3.1 (2004).

The Board has recognized that it is not entirely clear whether its authority extends to claims involving expenses for invitational travel by non-federal employees. *See Robert V. Rumple*, GSBCA 16534-TRAV, 05-1 BCA ¶ 32,850 (2004). We do not decide that question here either, since, as we discuss below, we would have no authority to award these expenses to a federal civilian employee, and as stated above, expenses of invitational travel are limited to those that may be paid for a federal employee undertaking the same travel.

Under FTR 302-10.451, when the use of a rental vehicle is authorized for travel within the continental United States, the cost of collision damage waiver or theft insurance offered by the rental car company will not be reimbursed because "(1) [t]he Government is a self-insurer [and] (2) [r]ental vehicles available under agreement(s) with the Government includes full coverage insurance for damages resulting from an accident while performing official travel." 41 CFR 301-10.451(a).

Under this regulation the cost of insurance on rental vehicles used for official travel purposes is simply not an expense that can be reimbursed. This principle has been

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<sup>1</sup>

GSA Order ADM P 5450.39C CHGE 78 (Mar. 21, 2002).

consistently applied both by the Board and by the Comptroller General, who settled travel and relocation claims prior to mid-1996. *Andrew R. Miller*, GSBCA 14486-TRAV, 98-2 BCA ¶ 29,921; *Debra Dreisbach*, B-261141 (Nov. 9, 1995). The rule does not authorize an exception for the case of an invitational traveler who is not employed by the Government.

Additionally, the fact that the Advisory Council mistakenly authorized Mr. Rohloff to purchase this insurance believing he could be reimbursed is unfortunate, but does not alter the outcome. A Government official may not authorize the expenditure of money in violation of statute or regulation. *Charles J. Smollen*, GSBCA 16532-RELO (Apr. 29, 2005); *Miller*.

### Decision

In accordance with the applicable regulations, this claim must be denied.

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CATHERINE B. HYATT  
Board Judge