

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

July 13, 2005

GSBCA 16669-TRAV

In the Matter of LISA SCHWARTZ

Lisa Schwartz, Pittsburgh, PA, Claimant.

Scott Berens, Branch Chief, Payments and Acquisitions, Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, Denver, CO, appearing for Department of the Interior.

DeGRAFF, Board Judge.

The agency asks for an advance decision, pursuant to 31 U.S.C. § 3529 (2000), concerning its authority to reimburse a lodging expense of an employee who combined personal and official travel.

Background

Lisa Schwartz is an employee of the Department of the Interior. Earlier this year, Interior authorized Ms. Schwartz to travel from Pennsylvania to Arizona to perform temporary duty from February 28 through March 3. Interior anticipated Ms. Schwartz would need to leave Pennsylvania on February 27, in order to arrive at her temporary duty station in time to begin her assignment.

Interior did not provide Ms. Schwartz with a travel authorization specific to the trip to Arizona. In September 2004, Ms. Schwartz's office provided her with what it refers to as an area travel authorization, using General Services Administration (GSA) Form 87. This authorization stated Ms. Schwartz could travel within specified areas for official business

when authorized to do so by her approving official. Item 14 of the form asks, “Is the employee making any deviations from the authorized itinerary for personal convenience, taking annual leave or using a different mode of transportation for personal convenience?” If the “Yes” box is checked in response to this question, the form requires an explanation to be set out in the “Remarks” section. On Ms. Schwartz’s travel authorization, the “No” box was checked in response to this question. Nonetheless, Ms. Schwartz wanted to leave Pennsylvania on February 23 for personal reasons and her supervisor said she could do so.

Ms. Schwartz left Pennsylvania and arrived in Arizona on February 23. Once there, she rented a car, traveled to Nevada, and spent the night of February 23 in a hotel at a cost of \$118.81. After completing her personal travel, Ms. Schwartz returned to Arizona to perform her temporary duty assignment, and incurred lodging costs for the nights of February 28 through March 2. She did not incur any lodging costs for February 27.

Ms. Schwartz asked to be reimbursed for the \$118.81 she spent for her hotel on the night of February 23. Interior asks us whether Ms. Schwartz ought to be reimbursed this amount.

Discussion

When employees combine personal and official travel, properly prepared travel authorizations help agencies and employees determine when to charge for annual leave, when to reimburse travel expenses, and who is responsible if an employee becomes ill or is injured while away from the office. *See Tassos Abadiotakis*, GSBCA 16477-TRAV, 04-2 BCA ¶ 32,793. Because Interior issued what it calls an area travel authorization, which appears to be a type of open authorization, it did not need to issue a trip-by-trip type of authorization specific to Ms. Schwartz’s trip to Arizona. 41 CFR 300-3.1 (2004). A trip-by-trip authorization, properly prepared, would have separated the official travel from the personal travel. Item 13 of GSA Form 87 is labeled, “Authorized Official Itinerary,” and the form notes, “DO NOT include any personal side trips . . . for personal convenience and/or preference.” Thus, if Interior had issued a trip-by-trip authorization for Ms. Schwartz’s travel, it would have completed Item 13 to show the dates of her authorized official itinerary as February 27 through March 3. It would have completed item 14 to show she was making a deviation from the authorized itinerary for personal convenience, and the “Remarks” section would have explained Ms. Schwartz was leaving Pennsylvania on February 23 as a matter of personal preference. Such an authorization would have made clear to Ms. Schwartz and to Interior which part of her trip was personal, to be performed at her expense, and which part of her trip was official, to be performed at the agency’s expense.

Even though Interior did not prepare a trip-by-trip authorization for Ms. Schwartz's trip, the rules which apply to her request for reimbursement are the same as if it had properly prepared such an authorization. These rules do not allow Interior to reimburse her for the \$118.81 she spent for a hotel on February 23.

According to the Federal Travel Regulation in effect when Ms. Schwartz traveled, Interior can reimburse only expenses essential to the transaction of official business. 41 CFR 301-2.2. Ms. Schwartz spent \$118.81 for lodging on February 23, a date she was performing personal travel. Because this expense was not essential to the transaction of official business, it is not reimbursable. Ms. Schwartz asks whether February 23 can be considered her authorized travel date. It cannot. Although she left her permanent duty station on February 23, the lodging expense she incurred on this date was not necessary in order for her to perform her temporary duty in Arizona beginning February 28. She traveled on February 23 as a matter of personal preference, so the lodging expense she incurred on this date is not reimbursable. *Marie S. Gilreath*, GSBCA 16119-TRAV, 03-2 BCA ¶ 32,391; *Leo Bosner*, GSBCA 15855-TRAV, 03-1 BCA ¶ 32,234.

Also according to the regulation, Interior is not responsible for excess costs resulting from the circuitous route she traveled in order to reach her temporary duty station. 41 CFR 301-2.4.¹ In order to determine what excess per diem costs Ms. Schwartz incurred as a result of taking a roundabout route to her temporary duty station, Interior concluded it ought to construct the per diem costs Ms. Schwartz would have incurred if she had not combined personal travel with official travel, compare the constructive per diem costs to the per diem costs she actually incurred, and reimburse her actual per diem costs to the extent they do not exceed the constructive costs. We agree this is the correct way to determine how much to reimburse Ms. Schwartz for her per diem expenses. *Gilreath*. Interior appropriately considered February 27 to be a constructive travel day, because if Ms. Schwartz had not traveled for personal reasons, she would have traveled on February 27. Ms. Schwartz's actual lodging costs for February 27 were zero because she incurred no costs for this day. Because she incurred no costs for lodging on February 27, there is nothing for which she ought to be reimbursed for lodging for this date. 41 CFR 301-11.100; *John L. Corrigan*, GSBCA 16170-TRAV, 04-1 BCA ¶ 32,461 (2003).

¹ Regarding transportation expenses, when an employee travels by an indirect route, the employee's reimbursement for transportation expenses is limited to the cost of travel by a direct route and the employee is responsible for any additional costs. 41 CFR 301-10.8. Interior and Ms. Schwartz do not disagree regarding reimbursement for her transportation expenses.

Finally, Ms. Schwartz says at some point Interior told her it would not reimburse her lodging expense for February 23, because the lodging location was not at her temporary duty location. It makes no difference, however, where Ms. Schwartz spent the night of February 23. Even if Ms. Schwartz had spent February 23 at her temporary duty location, Interior could not have reimbursed her lodging expenses for this night because she was performing personal travel on February 23 and, as explained above, Interior can reimburse Ms. Schwartz only for expenses essential to the transaction of official business.

Decision

Interior is not authorized to reimburse the \$118.81 Ms. Schwartz spent for a hotel on the night of February 23, 2005.

MARTHA H. DeGRAFF
Board Judge