

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

March 17, 2006

GSBCA 16782-TRAV

In the Matter of REBECCA MILLER

Rebecca Miller, APO Area Europe, Claimant.

Robert Schildkraut, Assistant General Counsel, Education Activity, Department of Defense, Arlington, VA, appearing for Department of Defense.

PARKER, Board Judge.

Background

Rebecca Miller is a teacher at Butzbach Elementary School in Germany and an employee of the Department of Defense Dependent Schools - Europe (DODDS-E). On October 24, 2005, Ms. Miller received notice that her mother had passed away the previous evening. On the same day, she requested Emergency Visitation Travel (EVT) for herself and her nine-year-old son so that they could attend the funeral in Texas. Ms. Miller received orders only for herself, however, and had to purchase an airplane ticket for her son at a cost of \$700. She has asked the Board to review DODDS-E's decision that she is not entitled to reimbursement for the cost of her son's ticket.

Discussion

DODDS-E properly interpreted the applicable regulations. The Department of Defense's Joint Travel Regulations (JTR) provide for EVT to allow employees who are stationed overseas, and in some cases their eligible family members, to travel to the United

States in family emergencies, including instances of serious illness or injury, or death, of an immediate family member. JTR C6679-A(1). The regulations also provide:

Ordinarily, only one member of a family may travel at Government expense on EVT. However, in exceptional circumstances, such as critical injury to a dependent child . . . attending school away from PDS [permanent duty station] that requires the presence of the employee and/or eligible family member(s), or the death of a dependent at the PDS which for compassionate reasons requires the employee and eligible family member(s) to accompany the remains to interment, EVT for more than one family member may be authorized/approved.

Id. C6679-A(3).

Although the death of Ms. Miller's mother clearly was the type of serious family emergency that entitled her to EVT, there was no issue of a critically-ill child attending school away from Ms. Miller's PDS or the death of a dependent at her PDS that required family members to accompany the remains to interment. Under the circumstances, as profoundly sad as the death of her mother may have been, DODDS-E reasonably decided that Ms. Miller's situation was not an exceptional circumstance, as defined in the regulation. The claim is thus denied.

ROBERT W. PARKER
Board Judge