

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

January 3, 2007

GSBCA 16955-TRAV

In the Matter of KHAYRIYYAH B. ALI-MORON

Khayriyyah B. Ali-Moron, Lansing, IL, Claimant.

Dennis Czulewicz, Director, Division of Accounting Operations, Accounting Management Group, Office of Financial Management, Centers for Medicare and Medicaid Services, Department of Health and Human Services, Baltimore, MD, appearing for Department of Health and Human Services.

GOODMAN, Board Judge.

Claimant, Khayriyyah B. Ali-Moron, is an employee of the Department of Health and Human Services (HHS). She has requested that this Board review the agency's denial of reimbursement for certain expenses she incurred during temporary duty (TDY) travel.

Factual Background

Claimant performed TDY travel from July 24-28, 2006. Claimant states that she routinely has been authorized to use a rented minivan at the TDY destination when she travels with two other employees, as the volume of luggage and documents that they take with them require a vehicle of that size.¹ Before her travel orders were issued in this instance, she submitted a travel estimate expenditure report to her supervisor which indicated

¹ She has submitted copies of two previous travel vouchers in which her manager approved payment of a minivan under similar circumstances.

estimated costs for the travel to be accomplished, including the costs of rental of a minivan, a travel itinerary noting the use of a minivan, and the names of the other two travelers. Her supervisor issued travel orders which authorized the expenditure of the costs included in the travel estimate expenditure report and authorized travel to the TDY destination by air carrier and the use of a rental vehicle at the destination.

After completing her travel, claimant submitted a travel voucher which was randomly selected for prepayment audit. The HHS auditor disallowed \$22.83, the additional cost associated with the rental of the van for four days in excess of the cost of renting a full-size car. Claimant has requested that this Board review the agency's denial of reimbursement of this amount, as she maintains she was authorized the use of a minivan and should not have to bear the cost differential herself.

Discussion

The Federal Travel Regulation (FTR) states that the agency may authorize travel for TDY by special conveyance such as commercial rental automobile if the agency determines that the use of a rental vehicle is advantageous to the Government. 41 CFR 301-10.3(d), -10.400, -10.450 (2005). The regulations do not provide specific guidelines as to how travel orders should indicate the size of an authorized rental vehicle. The HHS auditor refers to the Center for Medicaid and Medicaid Services (CMS) Travel Handbook, which states:

If you are traveling alone or with one other traveler, you should reserve a compact car or intermediate size car. If you are traveling with at least two other passengers, you may reserve a full size vehicle, if authorized. In some instances, groups of travelers may rent a van or similar vehicle. An explanation should be included in the "Remarks" section of the automated travel system indicating why a full size car or van was necessary and include the names of the other travelers occupying the vehicle.

CMS Handbook at 15.

The auditor disallowed the differential between the cost of a minivan and a full-size car, finding that the claimant was required to bear the cost differential because she did not use the authorized method of transportation. 41 CFR 301-10.6.

The auditor's disallowance is not correct. Even though claimant's travel orders were not completed in strict compliance with the CMS Handbook, she had submitted detailed documentation requesting the use of and approval of the costs for the minivan before her travel orders were issued. Her travel orders approved expenditures as indicated in claimant's

documentation and authorized her to travel by rental car. Accordingly, claimant adequately justified the use of a minivan before the travel orders were issued, the travel orders authorized the expenditures as requested, and claimant traveled by the approved method of transportation. She is entitled to reimbursement for the cost differential for the rental of the minivan.

Decision

The claim is granted.

ALLAN H. GOODMAN
Board Judge