

DATE: May 26, 2016

In Re:)

[REDACTED])

) Claims Case No. 2016-CL-042002.2

Claimant)

**CLAIMS APPEALS BOARD
RECONSIDERATION DECISION**

DIGEST

Claims against the government may be allowed only for expenses authorized by statute or regulation.

DECISION

A U.S. Air Force Reserve (USAFR) member requests reconsideration of the May 6, 2016, appeal decision of the Defense Office of Hearings and Appeals (DOHA) in DOHA Claim No. 2016- CL-042002. In that decision this Office denied the member's request for \$541.50 in additional travel expenses.

Background

A USAFR member assigned to Dobbins Air Reserve Base, Georgia was given Temporary Duty (TDY) orders, which were approved on February 27, 2014. The orders directed the member to perform six days of TDY (including travel time) at Offutt Air Force Base, Nebraska, with a proceed date of March 2, 2014. The member stated that she had tried to book her air travel through the Defense Travel System (DTS) on Friday, February 28, 2014, but discovered the next day, March 1, 2014, that her reservation had not been successfully entered into the system. She stated that she sought help at her finance office, but learned that no Authorizing/Order-Issuing Official (AO) was available to approve her request for booking with the DTS. She stated that from the finance office she then tried to telephone the CTO (Contract/Commercial Travel Office), Carlson Wagonlit Travel/Sato Travel, Inc., but she gave up after being on hold for an hour. She then returned to her home and tried to contact the CTO, again without success. At that point, the member purchased her tickets on-line directly from Delta. The member wrote a memorandum of her version of events which was endorsed by her supervisor and forwarded to the finance office.

The member's claim for reimbursement for her tickets from Delta was for the amount of \$1,389.50 (\$1,276.28 airfare, plus \$113.22 taxes and carrier fees). The member's claim was partially disallowed. She was allowed the contract carrier rate of \$848.00, and disallowed \$541.50 in commercial air travel reimbursement because she had not used a CTO or a travel management center (TMC) under contract to the General Services Administration (GSA). Also, there was no documentation of a CTO or TMC not being available, and there was no AO concurrence of the member's actions. It should be noted that Item 16 of the member's TDY order stated: "USE OF TMO/CTO [Traffic Management Office/Contract Commercial Travel Office] TO ARRANGE OFFICIAL TRAVEL IS MANDATORY DOD [Department of Defense] POLICY." Item 20 identified the Authorizing/Order-Issuing Official (AO) as a particular GS-12 employee.

The decision to partially deny the member's claim for commercial air reimbursement and to only allow the government fare amount was initially made at the member's unit finance level. The member appealed this decision to her headquarters who also stated that since the member had purchased the tickets directly from Delta and not from a CTO or a TMC under contract to GSA, reimbursement was limited to the contract carrier rate of \$848.00. By memorandum dated November 25, 2015, to the Defense Finance and Accounting Service, Indianapolis (DFAS-IN), the member's headquarters recommended denial of her claim on those same grounds, adding that there was no documentation of a CTO or TMC not being available, and that there was no AO concurrence with her actions. The Air Force Accounting and Finance Office, Joint Base Andrews, Maryland, recommended denial of the member's claim to DFAS-IN for the same reasons. In their memorandum, dated March 3, 2016, DFAS-IN disallowed the member's claim on the grounds that a CTO had been available for procurement of the tickets, but was not used, and that there had been a 24-hour toll-free telephone line for assistance.

The member appealed her claim to this Office stating that all her attempts to obtain tickets through DTS proved fruitless. Also, she contended that no one advised her that another telephone number was available for assistance. The adjudicator reviewed the memorandum that the member provided, and noted that the facts were not disputed regarding the member's contention of the absence of an available CTO, TMC, or in house travel office. However, he points out that according to 1 JFTR (Joint Federal Travel Regulations) U2420-A and U3045-E1, for the purposes of reimbursing transportation costs, the absence of an available CTO, TMC, or in house travel office must be certified by the AO for the travel at issue.¹ In the absence of such certification by the AO, the traveler cannot be reimbursed in full for the transportation costs at issue and can only be reimbursed as if the transportation had been procured through the CTO, TMC, or in house service.

Discussion

The member requests reconsideration of her claim for the entire transportation cost. She again states that she expended considerable effort to attempt to obtain transportation and that she was taking the initiative in obtaining the tickets through Delta so that a coveted seat in a training course would not go empty. While no doubt the actions of the member might be considered

¹ Effective October 1, 2014, the provisions of 1 JFTR U2420 and U3045 were moved to the Joint Travel Regulations, paragraphs 2420 and 3045 respectively.

admirable, and while the adjudicator indicated that the memorandum she submitted had not been disputed, he clearly advised her that there was another step in the process necessary for reimbursement. She did not include a certification in writing by the AO of the absence of an available CTO, TMC, or in house travel office. The adjudicator even noted that in the case of the orders at issue, the AO was a GS-12. The member has not submitted any new evidence, but has merely reiterated her previous arguments. In view of the lack of the certification of the AO concurrence with her actions, further reimbursement over the contract carrier rate is not possible. See DOHA Claims Case No. 2010-CL-042602.2 (June 15, 2010).

Conclusion

The member's request for reconsideration is denied, and the appeal decision, dated May 6, 2016, is affirmed. In accordance with Department of Defense Instruction 1340.21 ¶ E7.15.2, this is the final administrative action of the Department of Defense in this matter.

///Original Signed///

Jean E. Smallin
Chairman, Claims Appeals Board

///Original Signed///

Catherine M. Engstrom
Member, Claims Appeals Board

///Original Signed///

Natalie Lewis Bley
Member, Claims Appeals Board