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DATE: June 22, 2000

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In Re:

[Redacted]

Claimant

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Claims Case No. 00033003

## CLAIMS APPEALS BOARD DECISION

### DIGEST

A member who purchased airline tickets for temporary duty official travel did not purchase the tickets from a travel agency under government contract or other approved facility. Reimbursement of the member is not proper because paragraph U3120 of volume 1 of the Joint Federal Travel Regulations (1 JFTR ¶ U3120) requires that the member purchase tickets from one of the facilities described in 1 JFTR ¶ U3120-A unless under 1 JFTR ¶ U3120-B the order-issuing official authorized or later approved purchase from a non-authorized facility due to unusual circumstances when there was no alternative.

### DECISION

The member appeals a decision by the Defense Finance and Accounting Service (DFAS) to deny his claim for reimbursement for airline tickets he purchased for temporary duty travel (TDY). DFAS denied reimbursement because the member procured his transportation from a source other than those provided in paragraph U3120-A of volume 1 of the Joint Federal Travel Regulations (1 JFTR ¶ U3120-A) and no exception applied. [\(U\)](#) The Claims Appeal Board settles this matter for purposes of administrative convenience.

### Background

The record indicates that the member was ordered to travel from Nellis Air Force Base, Nevada, to Fort Myers, Florida (Sanibel Harbor Resort), to perform temporary duty (TDY) attending a professional training conference during the period January 11-17, 2000. The front side of the member's amended orders stated that Item 3 applied. Item 3 of the Reverse Statements for TDY Orders (reverse side) authorized the member to personally procure commercial transportation; indicated that the maximum payment allowed (GTR cost) would be \$402.10; and in bold print stated: Personnel authorized to personally procure commercial transportation should report to N & N travel for reservations at 644-5400." The member purchased his own tickets from a non-authorized source, and the order-issuing official has not

authorized or approved procurement from this non-authorized source on the basis that unusual circumstances existed indicating that the member had no alternative. The member claims \$402.10 for round-trip travel. Administrative reports from the Air Combat Command (ACC) and the 99th Comptroller Squadron specifically indicate that the member failed to demonstrate unusual or extenuating circumstances for procuring from a non-CTO. The ACC also states a CTO was available and that the member failed to show that he had no other alternative.

The member states that he purchased the tickets on his own on December 2, 1999, in order to be assured that he could obtain the least expensive tickets for the conference. The member states that he intended to attend the conference even if TDY orders had not been approved. The member insists that he saved the Air Force money because the cost of the tickets he purchased were less than what they would have cost if he had awaited his TDY orders. <sup>(2)</sup>

### **Discussion**

Recently we have considered several claims involving the non-reimbursement policy in 1 JFTR ¶ U3120 which applies when a member fails to obtain airline tickets including official travel from a source authorized in subparagraph U3120-A1. But in nearly all instances, the member insisted that he/she was unaware of this policy at the time that the tickets were procured. In the present claim, the member does not state that he was unaware of the policy, and he does state that he purchased the tickets ahead of receipt of orders because he intended to travel, with or without official recognition as TDY. We must base our decisions on the law and implementing regulations applicable to the situation at hand--in this case, the relevant portions of the JFTR in effect at the time the member traveled. *See* DOHA Claims Case No. 96123013 (June 2, 1997). As we explained in DOHA Claims Case No. 99101308 (May 5, 2000), a recent decision involving the same JFTR language in paragraph U3120 that controls the present claim, we have no authority to approve a claim when travel is not procured in accordance with the JFTR and non-reimbursement is the specified consequence for not following the policy.

The service member here did not obtain authorization or approval from the order-issuing official indicating that there were unusual circumstances and that the member had no alternative. The record indicates that there was a CTO available and does not indicate that the member attempted to use it.

### **Conclusion**

The member's claim is disallowed.

Signed: Michael D. Hipple

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Michael D. Hipple

Chairman, Claims Appeals Board

Signed: Arthur A. Elkins

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Arthur A. Elkins

Member, Claims Appeals Board

Signed: Jean E. Smallin

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Jean E. Smallin

Member, Claims Appeals Board

1. At the time that the member traveled (JFTR updated through Change 157), 1 JFTR ¶ U3120-A1 provided that in arranging official travel, personnel are required to use a commercial travel office under government contract, an in-house travel office, or a General Services Administration Travel anagement Center. But, under 1 JFTR ¶ U3120-B, the order-issuing official may authorize/approve direct purchase from a non-contract travel agent or common carrier when unusual circumstances existed and there was no alternative. The exceptions in 1 JFTR ¶ U3120-B were prefaced with the following note: "When a non-contract CTO is used, the member must demonstrate that use of a contract CTO was attempted. The last paragraph of 1 JFTR ¶ U3120-B contains the following payment limitation: "Reimbursement for transportation arranged through authorized/approved use of a non-contract travel agent or common carrier . . . is limited to the amount the member would have paid if the arrangements had been made directly through the carrier(s)."

2. It is not clear how the member saved the government money by early purchase because the government's cost was \$402.10 and the tickets the member purchased cost \$402.10.