

DATE: May 7, 2001

In Re:

[Redacted]

Claimant

Claims Case No. 01012915

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

A member of the Air Force 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 directly from the carrier rather than a source authorized in paragraph U3120-A of volume I of the Joint Federal Travel Regulations (1 JFTR ¶ U3120-A), and no exception applied. The Claims Appeal Board settles this claim for purposes of administrative convenience.

Background

The record indicates that the member performed temporary duty travel (TDY) from Holloman Air Force Base, Nevada, to Langley Air Force Base, Virginia, and return during the period September 25-30, 2000. The member was authorized leave en route during the period September 21-24, 2000. No variations were authorized, but for his convenience the member was authorized to personally procure commercial transportation. However, Item 4 on the reverse side of the orders, the item that had allowed personal procurement, also specifically directed the member to report to the Commercial Travel Office (CTO) to accomplish those arrangements. The member obtained his tickets directly from the carrier (Delta Airlines), and the cost on the official travel legs was \$438.

The member contends that he is not a frequent traveler, and that he was unaware of the requirement to procure travel through a CTO or other authorized source. The member states that he inquired "within the organization familiar with the current guidance and had the expertise necessary to advise the individual," but that "the CTO representative at no time indicated that the purchase of [the] airline ticket must be made through their office." The member described the depth of his conversation with the Holloman CTO as covering the government "contract airline fares from Holloman AFB to Langley AFB-in order for the traveler to evaluate possible out of pocket costs."

Discussion

At the time of travel, 1 JFTR ¶ U3120-A (Change 165) required a member to use one of the following sources for obtaining tickets: a CTO, an in-house travel office, or a GSA Travel anagement Center. Under 1 JFTR ¶ U3120-B, a non-contract travel agent or common carrier direct purchase was proper if authorized (beforehand) or approved (afterward) by the order-issuing official and unusual circumstances existed indicating that the member had no alternative. In any event, when a non-contract travel agent is used, the member "must" demonstrate that use of a contract CTO was attempted. In the current claim, there is no prior authorization, no after-the-fact approval, no evidence that the member attempted to use the CTO (other than obtaining information), and no showing that unusual circumstances prevented him from using the CTO.

For purposes of this claim, we assume, as the member contends, that he was unaware of the requirement to use the CTO, and that the Holloman CTO had neglected to advise him of this requirement. These factors, however, do not justify payment when the factors allowing an exception under 1 JFTR ¶ U3120-B, are not otherwise present. In this context, the government is not liable for the erroneous or negligent actions of its officers, agents or employees. *See* DOHA Claims Case No. 00033004 (June 22, 2000).

Service members within the Department of Defense are not eligible for reimbursement when they fail to adhere to the requirements of 1 JFTR ¶ U3120. *See* DOHA Claims Case No. 99101308 (May 5, 2000).

Conclusion

The member's claim is disallowed.

Signed: Michael D. Hipple

Michael D. Hipple

Chairman, Claims Appeals Board

Signed: Christine M. Kopocis

Christine M. Kopocis

Member, Claims Appeals Board

Signed: William S. Fields

William S. Fields

Member, Claims Appeals Board