

DATE: May 2, 2001

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In Re:

[Redacted]

Claimant

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Claims Case No. 01020602

## CLAIMS APPEALS BOARD DECISION

### DIGEST

A member of the Air Force Reserve (USAFR) was ordered onto an annual tour. His orders placed him in a temporary duty status and required him to use government-procured transportation. As he arrived at the airport to depart on the tour, the member discovered that he had lost or misplaced his government-procured airline tickets. The member did not know that he had to contact the Commercial Travel Office (CTO) to obtain replacement tickets, and he assumed that the CTO would not be able to assist him on the day he traveled because it was on a Sunday. The member then procured his own tickets. Reimbursement of these personally-procured tickets is not proper because paragraph U3120-A of volume 1 of the Joint Federal Travel Regulations requires that a member purchase tickets from a specified facility, such as the CTO, unless an exception is authorized or approved by the order issuing official and direct purchase from the carrier was due to unusual circumstances when there is no alternative.

### DECISION

A member of the Air Force Reserve (USAFR) 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 was ordered to Robins Air Force Base, Georgia, for an annual tour for five days, plus authorized travel time, starting on September 18, 2000, and with a release date on September 22, 2000. The

member was in a temporary duty (TDY) status. Government procured transportation was directed.<sup>(1)</sup> Pursuant to this order, the member was provided tickets, but when the member arrived at the airport near his home of record, he discovered that he had lost or misplaced his tickets. The member requested the airline for a replacement ticket, but an agent for the airline advised the member that he had to purchase new tickets. The member did not contact the Commercial Travel Office (CTO), nor did he contact the 24-hour Travel Help Line. DFAS notes that as of November 2000, the lost ticket had not been returned for a refund and that "carelessness" in misplacing the original ticket was not an "unusual circumstance" that allows an exception for procurement of transportation under 1 JFTR ¶ U3120.<sup>(2)</sup>

The member acknowledges that he lost or misplaced his tickets. But, he believes that the government will be reimbursed by the airline for the lost tickets. He also notes that he traveled on a Sunday and thought that no one would have been available to assist him. He was unaware of a requirement to contact the CTO or Help Line.

### Discussion

Preliminarily, we note that the member's orders directed him to use government-procured transportation, but the replacement tickets the member personally procured were not government-procured. This order directing or mandating the use of government-procured transportation may have precluded reimbursement even if the provisions of 1 JFTR ¶ U3120 had not been involved. *See* 1 JFTR ¶ U3110 and DOHA Claims Case No. 00051706 (June 23, 2000).

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 or approved 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, and no evidence that the member attempted to use the CTO. Furthermore, DFAS officials reasonably concluded that a member's conduct in losing or misplacing his tickets is an act of carelessness and is not an "unusual circumstance" indicating that the member had no alternative. 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

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Michael D. Hipple

Chairman, Claims Appeals Board

Signed: Christine M. Kopocis

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Christine M. Kopocis

Member, Claims Appeals Board

Signed: William S. Fields

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William S. Fields

Member, Claims Appeals Board

1. Reserve Order D-10152 (August 15, 2000).
2. As of November 21, 2000, DFAS had not received the original ticket(s) for refund. However, whether or not DFAS obtains a refund has no bearing on the member's claim for reimbursement of the ticket he purchased and used.