

DATE: April 30, 2001

In Re:

[Redacted]

Claimant

Claims Case No. 01030701

CLAIMS APPEALS BOARD DECISION

DIGEST

A member of the Air Force Reserve living in Florida was ordered to training in a temporary duty status. The member attempted to obtain tickets from a Commercial Travel Office (CTO) prior to obtaining orders, but without orders, the CTO did not obtain tickets. When the member obtained a copy of his orders, he obtained tickets from a non-CTO travel agent. The member was just assigned in the Reserves and did not know that he was required to obtain tickets from the CTO or other authorized source. 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 purchase from a non-CTO travel agent 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 obtained his airline tickets from a travel agent that was not an official Commercial Travel Office (CTO), rather than from a source authorized in paragraph U3120-A of volume I of the Joint Federal Travel Regulations (1 JFTR ¶ U3120-A). DFAS believes that no exception applied. The Claims Appeal Board settles this claim for purposes of administrative convenience.

Background

The record indicates that the member purchased airline tickets in the amount of \$268 for official travel from an unauthorized source. He was ordered to a school tour at Selfridge Air National Guard Base (ANGB), Michigan, for 12 days during September 2000, traveling from and returning to his home of record in Florida. The member was a pilot and was in a temporary duty (TDY) status during the tour. The member's orders stated that variations in itinerary were authorized, and that no "TR" cost was involved because the cost of transportation was to be provided by American Airlines at no cost to the government. [\(1\)](#)

The member stated that he just left active duty, but that while he was on active duty, he traveled mostly in a privately owned vehicle or in a government aircraft. Thus, he was not familiar with the requirement to obtain airline tickets through "SATO" (or other authorized travel office). The member suggests that he had not been provided copies of his orders when he went to obtain his tickets, and that if he had to go through the Selfridge ANGB, he would have to await the arrival of his tickets in the mail. The member also stated that at the time of his travel, he had not yet been issued a Government Charge Card.

The report of the Air Force Reserve Command confirms that the member was a newly assigned Air Force Reserve officer and was not fully aware of all of the travel procedures he should have followed. It also indicates that the member went to the installation SATO to obtain tickets while his orders were still being processed, and that he failed to obtain tickets from SATO because he did not have the required copies of orders to obtain his tickets at that time. This report also suggests that the member's unit is at least partially responsible because a representative could have obtained the member's tickets for him after the orders were issued and transmitted those tickets to the member. The unit failed to assist in this manner.

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 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.

If, as the Air Force Reserve Command suggests, the member's unit failed to provide all of the assistance it could have to help obtain tickets for the member, or failed to advise the member on travel procedures, this would have been unfortunate. Nevertheless, in settling travel claims, we are bound by the law and implementing regulations (*e.g.*, the Joint Federal Travel Regulations) which have the force and effect of law. The failure to advise the member that he must use an approved source does not establish a claim for obtaining tickets from a non-authorized source. *See* DOHA Claims Case No. 00042805 (June 26, 2000) and decisions cited therein.

In the current claim, there is no prior authorization, and no after-the-fact approval. There is evidence that the member attempted to use the CTO before he had his orders. But, the record does not indicate that the member was in an "unusual circumstance" indicating that he had no alternative other than using the non-CTO source after the orders became available. 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: Arthur A. Elkins

Arthur A. Elkins

Member, Claims Appeals Board

1. Reserve Order D-07915(August 15, 2000). The record does not indicate why American was to pay for the cost of travel.