

DATE: March 6, 2000

In Re:

[Redacted]

Claimant

Claims Case No. 99092805

CLAIMS APPEALS BOARD DECISION

DIGEST

For personal reasons, a member attempted to change the routing of his return flight to Turkey from his temporary duty in the United States. In the process of attempting to make the change, the government travel office canceled his originally-scheduled flights. The airline refused to make the change in the tickets, and, as a result, the member purchased a return ticket at his own expense. Under the Joint Federal Travel Regulations, unless the authority responsible certifies that the directed mode was not available at the time and place required to comply with the orders, reimbursement is prohibited for transportation at personal expense. The member's claim is denied unless the responsible authority so certifies.

DECISION

We have been asked to render a decision regarding an Air Force member's claim for reimbursement in the amount of \$711.20 for procuring return transportation to his permanent duty station from temporary duty.

Background

The member was directed to proceed on May 15, 1999, from Turkey to McGuire Air Force Base for temporary duty beginning June 22. He was authorized leave from ay 15 through June 21, and was authorized a rental car from June 22 through June 26. For the end of his leave on June 21, he was issued government procured airline tickets to travel from Baltimore-Washington International (BWI) airport to New York and from New York to Philadelphia. For his return flights on June 26, he was issued government procured airline tickets from Philadelphia to Turkey through Atlanta.

The record contains a June 30, 1999, statement in which the member states that he did not use the June 21 flights on his original ticket from BWI to New York and New York to Philadelphia. Instead, the member rented a car at BWI on June 21 and returned it to Philadelphia on June 26. The member states that he learned that the other person he was on temporary duty with had return tickets from Philadelphia to Turkey through New York. With this knowledge, the member states that he called the government travel office (SATO) and requested a change to his flight plans to permit him to travel from Philadelphia to Turkey through New York, rather than through Atlanta. His statement does not state when he made the call to the travel office or for what reason he made the call other than in "the interest of Force Protection".⁽¹⁾ The travel office apparently told the member that the flight change was made; however, when he arrived at the ticket counter, the member discovered that the airline refused to change his ticket to the New York route. Additionally, the airline said that the government travel office had canceled his return flights through Atlanta. The member called the SATO emergency telephone number and explained his problem. The response of the SATO representative was that the airline should change the ticket, but the airline refused to issue new tickets. As a result, at his own expense, the member purchased a ticket to Turkey through New York.

The Air Force and the Defense Finance and Accounting Service (DFAS) denied the member's request for reimbursement based on paragraph U3115 of Volume 1 of the Joint Federal Travel Regulations (JFTR). They believe that: the member had a government-procured ticket for his return travel, but he opted to change the routing; the member did not explain the nature of the "unusual circumstances" preventing him from using the tickets he was issued; and his orders did not permit him to personally arrange for his travel. The Air Force also pointed out that the member was issued a transportation request and was briefed on proper procedures to be followed if a problem arose. The member has requested our review of his claim.

Decision

At the time of travel, 1 JFTR ¶ U3115 stated that when a member is directed (as distinguished from authorized) to travel by a specific transportation mode, reimbursement is prohibited for transportation at personal expense unless the authority responsible certifies that the directed mode was not available at the time and place required to comply with the orders. In this case, the record does not include such a certification, and we therefore are unable to hold that the member should be reimbursed based on this paragraph. We would have no objection to the member's reimbursement under this paragraph if the responsible authority were to certify that the directed mode was not available at the time and place required to comply with the orders due to inadvertent error between the travel office and the airline which canceled the tickets the member had without replacing them with government-procured tickets on a different routing. Considering the complexities of transoceanic travel, it may have been wiser if the member had not attempted to change his itinerary for what appears to be personal preferences. Nevertheless, the proximate cause of the unavailability of the directed mode of travel (i.e., government-procured travel) was the administrative error between the travel office and the airline. *Compare Chief Master Sergeant Gary R. Howell, USAF, B-252347, Sept. 3, 1993, where the Air Force also had denied reimbursement based on paragraph U3115.* [\(2\)](#)

Conclusion

The member's claim for \$711.20 is denied unless the responsible authority makes certification under the JFTR.

/s/

Michael D. Hipple

Chairman, Claims Appeals Board

/s/

Christine M. Kopocis

Member, Claims Appeals Board

/s/

Jean E. Smallin

Member, Claims Appeals Board

1. We note that the member returned the unused portion of the tickets the government issued for his June 21 flights from BWI to Philadelphia through New York, and has been reimbursed for the rental car expenses he incurred from June 21 to June 26. For purposes of this Board Decision, our focus is the change of travel plans on June 26.

2. In *Howell*, the Comptroller General held that the member was entitled to reimbursement under paragraph U3110-D2 applicable at the time the member traveled. Government-procured transportation was not available to the member because the base transportation office was permanently closed before his orders were changed requiring a re-issued ticket, and the member was unable to travel to the transportation office 48 miles away due to extreme difficulties in traveling with bridges out as a result of a volcanic eruption. We note that the relevant paragraphs of the JFTR applicable when the member in the present case traveled are different than those that were applicable in the *Howell* case; however, the issue of the unavailability of the directed mode of transportation is present in both cases.