

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

February 12, 2003

GSBCA 15838-RELO

In the Matter of DEBORAH H. MURRAY

Deborah H. Murray, Rancho Palos Verdes, CA, Claimant.

Deidre W. Gray, Chief, PCS & Appeals Division, Defense Finance and Accounting Service, Columbus, OH, appearing for Department of Defense.

WILLIAMS, Board Judge.

An employee transferred from an overseas assignment to a new post of duty in the continental United States (CONUS) seeks reimbursement of round trip airfare for herself and her dependents between her former CONUS post of duty and her new duty station. Claimant had return rights from her overseas post to her former CONUS duty station. Because claimant's return rights were extinguished when she accepted a transfer to a new CONUS location and because claimant's travel from overseas via her old CONUS duty post to her new duty post involved a circuitous route, she must bear the expense of the trip between the old and new CONUS duty stations.

Background

Claimant, Deborah H. Murray, an electronics engineer with the Department of Defense, was transferred from Orlando, Florida, to Canberra, Australia, on December 8, 1997. In conjunction with that move, claimant was granted return rights to the position she held in Orlando.

On February 7, 2000, claimant was transferred from Canberra, Australia, to Carson, California. In conjunction with her permanent change of station (PCS), claimant was authorized transportation and per diem for herself and three dependents -- her spouse and two children. Claimant's travel orders were amended four times; those amendments pertinent here are No. D-4017-00-A1 (requested January 7, 2000, and issued January 13, 2000), which authorized privately owned conveyance travel and mileage rate from Florida to California, and No. D-4017-00-A3 (requested and issued July 12, 2000), which authorized travel to Florida and return to California for employee and dependents (estimated cost \$2200).

Claimant's travel orders provided that: "In connection with Alternate Destination Travel, any costs in excess of the costs for travel to the place of actual residence (and return for RAT) is borne by the employee (C4162)."

Claimant had left her household goods in Melbourne, Florida, and rented her home there with the intention of returning, but, while she was overseas, her job in Orlando was abolished. Once claimant was offered the position in California, she requested orders to return from overseas to California via Melbourne. Originally, claimant intended to travel via airplane to Florida and then via automobile to California. However, she decided otherwise prior to leaving Australia because her new supervisor requested that she report to the duty station as early as possible, and the cost difference between airplane and automobile travel was minimal.

Ms. Murray has submitted receipts for four airline tickets utilized by herself and three dependents for travel on January 23, 2000, from Los Angeles, California, to Melbourne, Florida, with return to Los Angeles, California, on February 8, 2000. The tickets were purchased in Australia on January 14, 2000, and were issued in Australian dollars (AUD) for \$3218, which converted to \$2144.80 U.S. dollars, the amount being claimed by Ms. Murray.

The Defense Finance and Accounting Service denied reimbursement because no provision in the Joint Travel Regulations would allow payment of the claimed airfare from California to Florida and return, even though it was authorized in the amendments to claimant's travel orders.

Discussion

We are called upon to decide whether claimant's return rights coupled with her PCS entitlements would permit her to be reimbursed for her trip from her new CONUS duty station to her prior CONUS residence and back. Although this is a case of first impression for this tribunal, the Comptroller General addressed this precise issue in Erich W. Koch, B-252529.2 (May 5, 1994). There, Mr. Koch had return rights to a position in Chicago, his actual residence and the home of record to which he would have been entitled to travel expenses upon completion of his tour of duty overseas, but he accepted a transfer from Germany to Fort McPherson, a different CONUS location. The Comptroller General ruled that Mr. Koch's return rights were extinguished when he accepted a transfer to a different CONUS location. Specifically, the Comptroller General determined that Mr. Koch did not have a travel and transportation entitlement to Chicago and then to Fort McPherson, but only an entitlement from his old duty station in Germany to his new duty station in Fort McPherson, citing Roger E. Dexter, B-214904 (Sept. 5, 1984).

Further, the Comptroller General in Koch reasoned that because the claimant had traveled to his new duty station at Fort McPherson not by a usually traveled route but by a circuitous route via Chicago, he was responsible for the excess cost, citing then pertinent provisions of the Federal Travel Regulation (FTR). The FTR applicable to Ms. Murray similarly provides that the "agency will not pay for excess costs resulting from circuitous routes." 41 CFR 301-2.4 (1999); see also Edgardo L. Delgado, GSBCA 15285-TRAV, 01-1 BCA ¶ 31,272; Thomas L. Laughlin, GSBCA 15393-TRAV, 01-1 BCA ¶ 31,213; Patrick T. Klever, GSBCA 14304-TRAV, 98-2 BCA ¶ 29,862; Susan Reed, GSBCA 13993-TRAV, 97-2 BCA ¶ 29,303; James Jackson, GSBCA 13897-TRAV,

97-2 BCA ¶ 29,029 (agency should limit reimbursement to the amount that it would have paid if claimant had traveled by a direct route).

Applying this rationale to the instant case, we conclude that Ms. Murray's return rights were extinguished when she accepted the transfer to California and that her only travel and transportation entitlement was between her duty station in Canberra, Australia, and Carson, California. As such, claimant's travel from Australia to California via Florida entailed a circuitous route, and she cannot be reimbursed for the claimed airfare.

The fact that the agency authorized reimbursement in claimant's amended travel orders does not change this result. Such mistake does not operate to expand the entitlement to reimbursement established by regulation. The Government is not bound by the erroneous advice of its officials, even when the employee has relied on this advice to his detriment. Lee A. Gardner, GSBCA 15404-RELO, 01-2 BCA ¶ 31,456; John J. Cody, GSBCA 13701-RELO, 97-1 BCA ¶ 28,694 (1996). Erroneous travel orders, reflecting mistaken assumptions on the part of authorizing officials, cannot obligate the Government to expend monies contrary to regulation. Robert K. Oja, GSBCA 15807-RELO, 01-2 BCA ¶ 31,955; John C. Permaul, GSBCA 15828-RELO, 02-2 BCA ¶ 31,896; Charles M. Ferguson, GSBCA 14568-TRAV, 99-1 BCA ¶ 30,299.

Decision

The claim is denied.

MARY ELLEN COSTER WILLIAMS
Board Judge