

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

July 16, 2004

GSBCA 16412-RELO

In the Matter of RAYMOND S. CORRAL, JR.

Raymond S. Corral, Jr., Bel Air, MD, Claimant.

Shirley Lee Autry, Deputy Director, Finance Center, United States Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

DeGRAFF, Board Judge.

Without authorization to transport a vehicle between duty stations, an employee cannot be reimbursed for expenses incurred in transporting the vehicle. When determining reimbursement for en route per diem expenses, an agency is authorized to make an exception to using the Defense Table of Official Distances to determine the distance an employee traveled.

Background

Raymond S. Corral, Jr. is employed by the Department of Defense (DoD). In December 2002, DoD issued orders transferring Mr. Corral from a permanent duty station in California to a new permanent duty station in Maryland. DoD authorized Mr. Corral to drive a privately owned vehicle from one duty station to the other because it determined driving the vehicle was advantageous to the Government. DoD did not authorize Mr. Corral to drive or to transport at government expense a second privately owned vehicle to his new duty station. DoD authorized payment of en route per diem expenses for Mr. Corral and his family. In addition, DoD authorized Mr. Corral to ship his household goods to Maryland either by using the government bill of lading (GBL) method of shipment, which meant the agency would arrange for a carrier to transport his household goods, or by shipping his household goods himself.

Mr. Corral left California on January 30, 2003, and began driving to Maryland. That evening, he arrived in Las Vegas, Nevada, where he spent the night. He spent January 31 on annual leave in Las Vegas, and then resumed his travel to Maryland. Instead of using the GBL method of shipping his household goods, Mr. Corral rented a truck and moved them himself. He drove the rental truck and towed one of his vehicles behind the truck, and his

wife drove another of their vehicles. Mr. Corral and his family arrived in Maryland on February 8.

In a voucher dated March 4, 2003, Mr. Corral asked to be paid a mileage allowance for the vehicle his wife drove, the costs of the rental truck, and en route per diem expenses for nine days of travel. Included in the cost of the rental truck was \$321.75 for equipment Mr. Corral used to tow the vehicle behind the truck. Mr. Corral claimed the actual distance he traveled was 2906 miles. According to the Defense Table of Official Distances, the distance allowed for his trip was 2750 miles. On his voucher, Mr. Corral said the distance he traveled was greater than the official distance due to a detour in his route required by security restrictions imposed at Hoover Dam.

DoD reviewed Mr. Corral's voucher and reimbursed most of his claimed expenses. Mr. Corral asks us to review DoD's decision to deny his claim for \$321.75 for the cost of the towing equipment and reimbursement for one day of en route per diem expenses.

Discussion

We agree with DoD's decision to deny the claim for the cost of the towing equipment. We cannot determine, however, whether DoD made the correct decision concerning reimbursement of per diem expenses.

According to the regulations in effect in early 2003, there were two methods by which DoD could pay the expenses associated with moving an employee's vehicle or vehicles from one duty station to another. First, DoD could authorize an employee to drive one or more privately owned vehicles as the means of transporting the employee and any family members to a new duty station, and pay the employee a mileage allowance. Second, DoD could authorize an employee to transport a vehicle or vehicles to a new duty station, if DoD determined it would be more advantageous and cost effective to pay to transport the vehicle or vehicles and to pay for the transportation of the employee and any family members by commercial means, instead of paying a mileage allowance for the employee's use of a vehicle or vehicles as the means of transportation to the new duty station. It was up to DoD to decide whether it would be more advantageous for an employee to drive a vehicle or to transport a vehicle to a new duty station. 41 CFR 302-4.300, -9.12, -9.301, -9.505 (2002); Joint Travel Regulations (JTR) C11000, C11009.

DoD authorized Mr. Corral to drive one vehicle as the means of transportation to his new duty station and DoD paid Mr. Corral a mileage allowance for the vehicle driven by his wife. DoD did not, however, authorize Mr. Corral to transport a second vehicle. Without such a specific authorization, Mr. Corral cannot be reimbursed for the cost of transporting the vehicle he towed behind the truck. Jaret A. Langston, GSBCA 15327-RELO, 01-2 BCA ¶ 31,513; Norman Lahr, GSBCA 15123-RELO, 00-2 BCA ¶ 31,012. Thus, DoD correctly decided not to reimburse Mr. Corral for the cost of the towing equipment.

According to the applicable regulations, the maximum number of authorized travel days for which DoD could reimburse an employee for en route per diem expenses was the lesser of (1) the actual number of days used to complete the trip or (2) the result of allowing one day of travel time for each 350 miles of the official distance between the old and the new

duty stations or other authorized points, plus one additional day allowed for any remaining distance in excess of fifty-one miles. The official distance was to be determined according to the Defense Table of Official Distances, although an exception could be made by the travel approving official when travel en route was delayed for reasons beyond the employee's control, such as restrictions imposed by governmental authorities. 41 CFR 302-4.201; JTR C1065, C4300.

Not counting the one day he spent on annual leave, Mr. Corral actually used nine days to complete his trip. However, allowing one day of travel time for each 350 miles of the official distance between the old and the new duty station plus one additional day for any remaining distance in excess of fifty-one miles, results in Mr. Corral being entitled to reimbursement for only eight days of en route per diem expenses ($2750 = [7 \times 350] + 300$). Using the distance Mr. Corral actually traveled, he would be entitled to be reimbursed for nine days of travel ($2906 = [8 \times 350] + 106$). The issue, then, is whether the official distance or the distance Mr. Corral actually traveled should be used to determine the maximum number of days for which he should be reimbursed for en route per diem expenses. So far as we can tell from the documentation provided to us, DoD never took into account Mr. Corral's explanation of why the distance he actually traveled was greater than the official distance between his old and his new duty stations. His explanation, that a detour was required around Hoover Dam for security reasons, would seem to fall squarely within the exception allowed by the regulations. DoD needs to consider Mr. Corral's explanation and decide whether the exception applies to Mr. Corral and, if it does, it should reimburse him for nine days of en route per diem expenses.

In summary, the claim for \$321.75 for towing equipment is denied and the claim for en route per diem expenses is returned to DoD so it can consider Mr. Corral's explanation regarding the distance he traveled and decide whether the exception provided in the regulation entitles him to reimbursement for nine days of expenses.

MARTHA H. DeGRAFF
Board Judge