

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

November 14, 2000

GSBCA 15358-TRAV

In the Matter of CHARLES E. WILSON

Charles E. Wilson, Corpus Christi, TX, Claimant.

A. S. Mago, Military Pay Director, Personnel Support Activity Detachment, Department of the Navy, Corpus Christi, TX, appearing for Department of the Navy.

GOODMAN, Board Judge.

Claimant, Charles E. Wilson, is a civilian employee of the Department of the Navy. He has requested that this Board review the agency's decision denying his request for additional reimbursement as the result of official travel.

Claimant was issued travel orders in February 2000 for official travel from his permanent duty station, Corpus Christi, Texas, to Pensacola, Florida. His original travel orders indicated that his mode of travel would be by rental car with a stipulation that his reimbursement would not exceed the cost of air travel. The travel orders estimated a cost of \$516 for a rental car. Claimant rented a vehicle and incurred costs totaling \$661.36 (\$525.78 for the rental car and \$135.58 for gas). The rented car was used entirely for official travel.

After completion of his travel, claimant's travel orders were inexplicably amended, indicating that his travel should be accomplished by POV (privately owned vehicle), as this was more advantageous to the Government. Claimant submitted his travel voucher and was ultimately reimbursed an amount calculated on the basis of by his mileage during official travel. Claimant requested reimbursement of an additional amount of \$319.25, which he explained as follows:

Based upon my interpretation of the [Joint Travel Regulations (JTR)], I should be reimbursed for approximately \$292.10 for the prorated cost of the rental car plus \$27.15 for the gas I purchased during the five days I was at the [temporary duty] location, which totals \$319.25. I also contend that this payment does not have to be to the exclusion of any reimbursement for mileage and travel per diem under these orders and the pursuant modification.

The agency denied the request for reimbursement and the claimant requested review by this Board. In response to his request, the agency has stated:

[T]he computations of [claimant's] travel entitlements was [sic] reviewed and is [sic] now indicating an overpayment for dual payments of mileage for POV and reimbursement for rent a car He was reimbursed for the mileage as if he was using the mode of conveyance of POV, and also for the cost of the rent a car . . . in addition to the payment of the mileage for POV.

His original travel orders indicated that his mode of travel is rent a car with a reimbursements stipulation [sic] that his entitlement will not exceed the cost of GTR [Government Transportation Request] (air travel). After his completion of his travel, his orders was [sic] amended indicating the entitlement is "POV more advantageous to the [G]overnment." Mr. Wilson is asking for the cost of the rent a car and the mileage entitlement associated with the move [sic] of travel as POV. Again, in the absence of such dual entitlements stipulation [in the JTR] . . . he is not entitled to reimbursement for the cost of the rent a car in addition to the payment of the mileage for POV.

We have reviewed claimant's travel voucher and the agency's reimbursement. The agency has made three separate payments. Contrary to the agency's assertion above, we do not find that the agency has reimbursed claimant for both the cost of the rental car and mileage. Rather, claimant's reimbursement was based only on a mileage calculation made immediately prior to the third payment. This is apparent only after reviewing the agency's calculations and payments.

Claimant incurred the following costs for the rental car and gas during his official travel:

Car	\$525.78
Gas	<u>135.58</u>
Total	\$661.36

On February 23, 2000, the reviewing travel office assessed claimant's expenses as follows:

ATM Fee	\$ 3.00
Registration Fee	50.00
Rental Car	286.80
Tolls	3.50
Gas	<u>72.74</u>
Total	\$416.04

As a result of this assessment, on March 1, 2000, the travel office paid claimant as follows:

Per Diem	\$165.00
Mileage/Transportation	3.50
Reimbursable Expense	359.54
Total Entitlement	528.04
Total Due Employee	528.04

The \$359.54 “Reimbursable Expense” is the total of the rental car and gas expense determined by the travel office.

On April 4, 2000, the travel office reassessed claimant’s voucher as follows:

ATM Fee	\$ 3.00
Registration	50.00
Rental Car	286.80
Tolls	3.50
Gas	72.74
Lodging	<u>39.77</u>
Total	\$455.81

As a result of this reassessment, on April 10, 2000, the travel office paid claimant an additional \$92.77, as follows:

Per Diem	\$204.77
Mileage/Transportation	3.50
Reimbursable Expense	362.54
Registration Fee	50.00
Total Entitlement	620.81
Less Partial Payment	<u>528.04</u>
Total Due Employee	\$ 92.77

The additional \$92.77 paid was the additional lodging charge of \$39.77 (which was included in the per diem), plus the \$3.00 ATM fee not paid previously, plus the \$50 registration fee previously omitted from payment. The \$362.54 “Reimbursable Expense” is the previous charge for the rental car and gas, increased by the \$3.00 ATM fee.

Apparently, as the result of the change in travel orders, the agency reassessed claimant’s travel based upon a mileage calculation rather than the cost of rental car and gas. The agency states that the mileage calculation was $.3250 \times 1428 \text{ miles} = \464.10 , and the distance calculated was the round-trip mileage from the official duty station to the temporary duty destination. As a result of this reassessment, on June 5, 2000, the travel office paid claimant an additional \$196.56, as follows:

Per Diem	\$294.77
Mileage/Transportation	469.60 ¹
Reimbursable Expense	3.00
Registration Fee	50.00
Total Entitlement	817.37
Less Partial Payment	<u>620.81</u> ²

¹ Apparently this was meant to be the sum of the mileage calculation and tolls, which would have been $\$464.10 + \$3.50 = \$467.60$. If so, there is a math error of \$2.00.

² This is the sum of the two previous payments to claimant.

Total Due Employee \$196.56

The three separate payments to claimant totaled \$817.37. The agency's statement that claimant received duplicate payments for the rental car and mileage is not correct. As can be seen by the last assessment, the charges previously included for the rental car and gas were removed from the "Reimbursable Expense" and the mileage charges were included as mileage/transportation. There was no duplicate payment for rental, gas, and mileage. Claimant's total entitlement was calculated by using the mileage charges, without inclusion of gas and rental car, and the value of the two previous payments were deducted from the total entitlement to determine the balance due claimant. The result was that claimant was paid \$464.10 for mileage, and did not receive reimbursement for rental car and gas.

The agency does not offer an explanation as to why claimant's travel orders were changed to indicate travel by POV after the official travel was accomplished in accordance with the original travel orders, which authorized travel by rental car.

The JTR set forth the expenses for which claimant is entitled to reimbursement, as follows:

C. Reimbursable Expenses For Use of Special Conveyances

When a rental automobile or other special conveyance is authorized or approved, the rental and hiring charge is reimbursable. When the expenses of operation are included in the rental or hiring charge, the receipt shall include a list of these expenses. When the rental or hiring charge does not include the expenses of operation, such expenses incurred on official business are reimbursable. These expenses include items such as:

....

2. gasoline and oil;

....

6. ferry fares, bridge, road and tunnel tolls.

JTR C2102.

Claimant is entitled to reimbursement of \$661.36 for the rental car and gas and \$3.50 for tolls. He has been reimbursed \$464.10 for mileage in lieu of the rental car and gas and \$3.50 for tolls. Claimant therefore should be reimbursed an additional \$197.26.

Decision

Claimant is entitled to reimbursement of an additional amount of \$197.26.

ALLAN H. GOODMAN
Board Judge