

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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March 20, 2001

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GSBCA 15366-TRAV

In the Matter of PETER J. VAN DEUSEN

Peter J. Van Deusen, Washington, DC, Claimant.

William B. Harper, Director, Police and Security Service, Department of Veterans Affairs, Washington, DC, appearing for Department of Veterans Affairs.

NEILL, Board Judge.

Claimant, Mr. Peter J. Van Deusen, is an employee of the Department of Veterans Affairs. He asks that we review his agency's denial of a claim he submitted for reimbursement of certain travel expenses he incurred between two closely-spaced temporary duty (TDY) assignments. For the reasons set out below, we find that Mr. Van Deusen is entitled to the reimbursement he seeks.

## Background

Claimant's permanent duty station is at the Central Office of the Department of Veterans Affairs in Washington, D.C. In early May 2000, he was told that he was to make two brief TDY trips. The first assignment was to Dallas, Texas, starting Wednesday, May 10, and concluding on Friday, May 12. The second was to Greensboro, North Carolina, starting Monday, May 15, and concluding on Tuesday, May 16.

Rather than return directly to Washington from Dallas on Friday, May 12, Mr. Van Deusen elected to fly to Orlando, Florida, and then from Orlando to Greensboro on the following Sunday. His reason for doing so was to assist his family on the intervening Saturday with last minute preparations for their move from Orlando to the Washington, D.C., area. (Mr. Van Deusen had taken his position in Washington, apparently his first as a Government employee, late in the prior year.)

Before leaving for Dallas, Mr. Van Deusen consulted portions of the Federal Travel Regulation (FTR) which he considered to be applicable to his situation. In Section 301-10.8 he read:

Q. What is my liability if, for personal convenience, I travel by an indirect route or interrupt travel by a direct route?

A. Your reimbursement will be limited to the cost of travel by a direct route or on an uninterrupted basis. You will be responsible for any additional costs.

41 CFR 301-10.8 (1999) (FTR 301-10.8).

Relying on this printed guidance as well as on oral guidance provided to him by an agency budget analyst, Mr. Van Deusen planned his itinerary for the two TDY assignments to include the side trip to Orlando and, from Orlando, to Greensboro. The actual airfare for his entire trip amounted to \$1008.50. He believes that he is entitled to payment of \$969, which is what it would have cost the Government to fly him from Washington to Dallas and return (\$461) and from Washington to Greensboro and return (\$508). The agency, however, disagrees with him and contends that he is entitled only to \$738.50, namely, the cost of flying one-way from Washington to Dallas (\$230.50) and from Washington to Greensboro and return (\$508).

#### Discussion

The agency's reluctance to reimburse Mr. Van Deusen for the constructive cost of a round-trip fare from Washington to Dallas is understandable if one examines carefully the provisions of his travel authorization. It incorrectly authorizes not only Mr. Van Deusen's trips to Dallas and to Greensboro but also his travel from Dallas to Orlando and from Orlando to Greensboro. The incorrect assumption is that his entire itinerary represented official travel. It obviously does not. As the agency notes, the FTR directs that all official travel must be direct. "You must travel to your destination by the usually traveled route unless your agency authorizes or approves a different route as officially necessary." FTR 301-10.7. Mr. Van Deusen's trip to Orlando for the weekend of May 13/14 was for personal convenience and, therefore, cannot be reimbursed as official travel. The situation appears to have been further complicated by the fact that, at least according to the agency, Mr. Van Deusen's original travel claim was for reimbursement of the cost of his entire trip.

The dust has now settled on this claim. Mr. Van Deusen has clarified his position. He seeks only to be reimbursed up to the constructive cost of his air travel to the two TDY assignments. Further, it is now obvious that his travel authorization was in error. We find nothing in the record, however, that convinces us that the claimant deliberately attempted to circumvent the FTR rule against indirect routing of official travel or to disguise the real purpose of his trip to Orlando on Friday, May 12. Indeed, his travel authorization makes no provision for per diem during his stay there.

The claimant's reliance upon FTR 301-10.8 is well placed. We have on previous occasions upheld an employee's entitlement to reimbursement of travel costs up to, but not beyond, the constructive cost of travel when, for reasons of personal convenience, that individual travels by an indirect route or interrupts travel by the direct route and, as a result, incurs extra expense. E.g., Susan Reed, GSBCA 13993-TRAV, 97-2 BCA ¶ 29,303; Phyllis G. Thompson, GSBCA 13691-TRAV, 97-2 BCA ¶ 29,067; Lorrie L. Wood, GSBCA 13705-

TRAV, 97-1 BCA ¶ 28,707 (1996). Given the facts in this case, the applicable provision of the FTR, and our consistent interpretation of it, we find that Mr. Van Deusen should be reimbursed for his actual travel costs based upon the constructive cost of a round-trip fare not only from Washington to Greensboro but from Washington to Dallas as well.

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EDWIN B. NEILL  
Board Judge