

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

May 17, 2001

GSBCA 15574-TRAV

In the Matter of MAXCY G. HALL

Maxcy G. Hall, Beaver creek, OH, Claimant.

Jerry S. Hinton, Director for Finance, Defense Finance and Accounting Service, Arlington, VA, appearing for Department of Defense.

DeGRAFF, Board Judge.

In March 2000, the Department of Defense (DoD) sent Maxcy G. Hall on temporary duty travel from Ohio to Washington, D.C.; from Washington, D.C. to Alabama; and from Alabama back to Ohio. Mr. Hall's travel orders authorized him to use a personally owned vehicle (POV), which he did. Because the use of a POV was not more advantageous to the Government than the use of a common carrier, Mr. Hall's travel orders provided that the amount he would be reimbursed for his travel expenses would be limited to the constructive cost of common carrier transportation and the related per diem allowance, in accordance with the Joint Travel Regulations.

Mr. Hall disagreed with the manner in which DoD constructed his travel costs in order to determine the amount that he would be reimbursed for his travel expenses. DoD advised Mr. Hall that because he is a member of an employee union and because his collective bargaining agreement does not exclude travel claims from its grievance procedures, he should pursue his claim by using those procedures. A grievance includes any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment. Conditions of employment, however, do not include matters that are specifically provided for by federal statute. Mr. Hall believes that the Board can resolve his claim because mileage and per diem allowances are specifically provided for by federal statute.

Some matters related to travel reimbursement are specifically addressed by federal statute, so they do not constitute conditions of employment. Charles M. Auker, GSBCA 15231-TRAV, 00-1 BCA ¶ 30,898 (amount paid per mile addressed by statute); John B. Courtney, GSBCA 14508-TRAV, 98-2 BCA ¶ 29,791 (reimbursement of commuting costs addressed by statute). The dispute between Mr. Hall and DoD, however, is not such a matter.

Although federal statutes address mileage and per diem allowances, they do not specifically provide any method that agencies must use to calculate constructive travel costs in order to determine how much to reimburse employees for travel expenses. Therefore, the dispute between Mr. Hall and DoD is a grievance that must be resolved by the collective bargaining agreement's procedures.

The claim is dismissed.

MARTHA H. DeGRAFF
Board Judge