

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

August 1, 2001

GSBCA 15595-TRAV, 15596-TRAV

In the Matters of EXUM LEE, JR., and WILLIAM H. WHITE

Exum Lee, Jr., Chesapeake, VA, Claimant in GSBCA 15595-TRAV.

William H. White, Virginia Beach, VA, Claimant in GSBCA 15596-TRAV.

Judy Hughes, Travel Policy, Defense Finance and Accounting Service, Columbus Center, Columbus, OH, appearing for Department of Defense.

GOODMAN, Board Judge.

Claimants are the spouse and father of a civilian employee of the Department of Defense, Joint Forces Command. The employee, whose permanent duty station was Norfolk, Virginia, died on April 21, 2000, in San Diego, California, while on official travel. Claimants were authorized to travel to California to escort the remains home for burial. The agency thereafter questioned whether there existed proper authority to reimburse claimants for their travel expenses, based upon the provisions in the Federal Travel Regulation (FTR) and Joint Travel Regulations (JTR) at the time the escort travel was accomplished.

At the time of travel, the FTR contained the following provisions:

QUESTION: What is the FTR?

ANSWER: The FTR is the regulation contained in 41 Code of Federal Regulation (CFR), Chapters 300 through 304, which implements statutory requirements and Executive branch policies for travel by Federal civilian employees and others authorized to travel at Government expense.

41 CFR 300-1.1 (1999).

QUESTION: May we pay the travel expenses for an escort for the remains of a deceased employee?

ANSWER: Yes, in accordance with § 303-70.600 through 303-70.602.

Id. 303-70.100.

QUESTION: How many persons may we authorize travel expenses to escort the remains of a deceased employee?

ANSWER: Travel expenses may be authorized for no more than two persons.

Id. 303-70.600.

QUESTION: Under what circumstances may we authorize the escort of remains?

ANSWER: Escort of remains may be authorized when the employee's death occurs:

(a) While in a travel status away from his/her official station in the United States.

Id. 303-70.601.

QUESTION: What travel expenses may we authorize for the escort of remains?

ANSWER: You may authorize any travel expenses in accordance with chapter 301 of this title that are necessary for the escort of remains to:

(a) The home or official station of the deceased.

Id. 303-70.602.

At the time of claimants' travel, the JTR did not contain similar provisions with regard to allowing escorts for the remains of employees who had died on official travel. Provisions similar to those in the FTR were added to the JTR, effective in July 2000. JTR C6062. The agency has asked if the claimants may be reimbursed for their travel expenses, even though there were no provisions for escort travel in the JTR at the time of travel.

The agency has authority to reimburse travel expenses as authorized in the FTR. The FTR is applicable to all federal civilian employees. 41 CFR 300-1.1. This includes federal civilian employees of the Department of Defense. The JTR explain and supplement the FTR for civilian employees of the Department of Defense and related agencies. E. Patricia Liegey, GSBCA 14964-TRAV, et al., 99-2 BCA ¶ 30,483. As the FTR clearly allowed payment of escort travel costs, and the JTR did not prohibit same, but was merely silent, payment of these costs was authorized by regulation. Richard C. Mutzman, GSBCA 15333-TRAV (July 13, 2001).

Decision

Claimants are entitled to reimbursement of their costs.

ALLAN H. GOODMAN
Board Judge