

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

June 10, 2002

GSBCA 15656-TRAV

In the Matter of JENNINGS W. BUNN, JR.

Jennings W. Bunn, Jr., Agat, Guam, Claimant.

Edward J. Lynch, Force Judge Advocate, United States Naval Forces, Marianas, Guam, appearing for Department of the Navy.

HYATT, Board Judge.

Claimant, Jennings W. Bunn, Jr., is a civilian employee of the Department of the Navy in Guam. In connection with his employment as the Navy's cultural resources manager, historical preservation officer, and staff archaeologist at this location, Mr. Bunn received several awards for cultural resources management and was authorized travel to the awards ceremony in Washington, D.C. He requested approval of invitational travel orders for his wife to accompany him to the awards ceremony.

Approximately five days prior to the ceremony claimant received written orders authorizing the issuance of a ticket for Mrs. Bunn to accompany him to the ceremony. The orders were signed by a lieutenant at the base, and by the comptroller, who issued the ticket with the understanding that the higher level approvals would be forthcoming. The required level of approval was the Deputy in Chief Pacific Fleet. Ultimately, the Deputy disapproved the invitational travel orders, but did so less than twelve hours before the scheduled departure date and time.

Prior to departure, Mr. Bunn was advised by his supervisor that the command's request for invitational travel orders had been denied. Because of the short notice, claimant was not able to purchase a commercial ticket for his spouse on the flight he was scheduled to take. The commanding officer at the base, Captain Jacobs, suggested that he could use the ticket issued by the Government and that the command would sort the situation out upon his return. This caused Mr. Bunn to think that the commanding officer at the base had authorized the issuance of the travel orders even though a higher authority had declined to do so. Mr. Bunn has now been told that he must repay the Government for the cost of his wife's ticket. He has requested that the Board review the Navy's decision.

Discussion

By statute, each agency head has the discretion to pay cash awards to, and "incur necessary expenses" for the honorary recognition of, employees who meet the criteria for receiving such awards. 5 U.S.C. § 4503 (2000). If the agency determines that the presence of the employee's spouse would further the purposes of the awards program, travel expenses for the spouse may be considered a "necessary expense." Sharon S. Rutledge, 69 Comp. Gen. 38 (1989); accord Benjamin F. Ackerman, 70 Comp. Gen. 440 (1991).

The Department of Defense (DoD), in the Joint Travel Regulations (JTR), Appendix E, has prescribed the circumstances when the expenses of a spouse may be reimbursed for the purpose of accompanying an employee to an award ceremony. When the award ceremony is geographically distant from the employee's residence, invitational travel orders may be issued for an individual of the employee's choosing to attend a major award ceremony, provided that the travel and transportation is authorized by the head of the DoD component concerned or a designee, and the individual selected by the award recipient is related by blood or otherwise has a close association with the award winner that is equivalent to a family relationship. JTR app. E, pt. I.C.5.

For this command, the individual with authority to approve travel of this nature is the Deputy in Chief Pacific Fleet. That individual disapproved the request, albeit at the eleventh hour. The individuals who signed the travel orders were not authorized to commit Government funds to pay for Mrs. Bunn's travel expenses, nor was the commanding officer who advised Mr. Bunn to use the ticket. Although Mr. Bunn may have relied on the assurances of his commanding officer that the matter would be straightened out upon his return from the ceremony, the fact remains that the official with authority to approve the expenditure declined to do so. Since the expenditure was not properly authorized, the Government may require claimant to reimburse it for the cost of the ticket. See, e.g., Jaret A. Langston, GSBCA 15327-RELO, 01-2 BCA ¶ 31,513; Herman E. Harke, GSBCA 15282-RELO, 00-2 BCA ¶ 31,017.

Although the Navy is entitled to demand repayment of the cost of the ticket used by Mrs. Bunn to accompany claimant to the award ceremony, it may wish to consider exercising the authority it has under law to waive repayment of this cost if it concludes that collection would be "against equity and good conscience and not in the best interests of the United States" and if there is no indication of "fraud, misrepresentation, fault, or lack of good faith" on the part of the person whose debt is requested to be waived. 5 U.S.C. § 5584(a)(2)(A) (2000). Pursuant to this statute, the head of the agency from which the claim arose may waive a debt of \$1500 or less.¹ See, e.g., Brian Johnson, GSBCA 15316-RELO, 01-1 BCA

¹ The Comptroller General previously had the authority with regard to debts which exceeded the amount within the authority of the head of the agency. That waiver authority, insofar as it pertains to claims affecting the executive branch of Government, was transferred from the Comptroller General to the Director of the Office of Management and Budget (OMB) under Pub. L. No. 104-316, § 103(d)(3), 110 Stat. 3826, 3828 (1996). On December 17, 1996, the Director of OMB delegated this authority to the agencies from which the

¶ 31,337; Gerald A. Sherman, GSBCA 13791-TRAV, 97-2 BCA ¶ 29,299. The exercise of this authority is committed entirely to the discretion of the Navy, however, and is not within the purview of this Board's review function.

CATHERINE B. HYATT
Board Judge

original claims arose. Accordingly, waiver authority for all claims, regardless of amount, now resides in the head of the agency from which the claim arose.