

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

September 24, 2002

GSBCA 15802-TRAV

In the Matter of ARTHUR V. BOHLINGER

Arthur V. Bohlinger, Severn, MD, Claimant.

Scott W. Barber, Assistant General Counsel, National Imagery and Mapping Agency, Bethesda, MD, appearing for National Imagery and Mapping Agency.

PARKER, Board Judge.

Background

At various times during 2001, Arthur V. Bohlinger, an employee of the National Imagery and Mapping Agency (NIMA) in Bethesda, Maryland, was sent for training. NIMA is part of the Department of Defense (DoD). For the first training session, held in Langley, Virginia, Mr. Bohlinger drove his car from his home in Severn, Maryland, to the training site and back. On five other occasions, Mr. Bohlinger attended training in Vienna, Virginia. To get to Vienna, Mr. Bohlinger drove from his home to the train station in Odenton, Maryland, where he boarded a train to Union Station in Washington, D.C. From Union Station, Mr. Bohlinger rode the Washington Metro to the training site. He reversed this process to return home. Finally, on a different day, Mr. Bohlinger incurred a \$5.50 expense for parking in Arlington, Virginia.

To commute to his everyday work at NIMA, Mr. Bohlinger would normally drive to the train station in Odenton and ride the train to Union Station. The record does not disclose how Mr. Bohlinger normally commuted from Union Station to NIMA in Bethesda. During the relevant time period, Mr. Bohlinger received a commuting subsidy from his employer of \$65 per month. His normal monthly commuting expenses were about \$153.

Mr. Bohlinger claimed all of the travel expenses incurred in connection with the training sessions described above, totaling \$93.03. NIMA reimbursed Mr. Bohlinger for the cost of driving to and from the first training session in Langley. For the sessions in Vienna, the agency reimbursed Mr. Bohlinger only for the rides on the Washington Metro from Union Station to Vienna, and back, on the basis that Mr. Bohlinger would have incurred the costs of driving to the train station in Odenton and taking the train to Union Station in his normal

commute to work. NIMA paid the fee for parking in Arlington. In all, NIMA paid Mr. Bohlinger \$37.78.

Mr. Bohlinger has asked the Board to require NIMA to pay all of the unreimbursed expenses, which total \$55.25.

Discussion

The Federal Travel Regulation (FTR), which governs travel and relocation by civilian employees of the Government, including DoD employees, contains many detailed policies and procedures that federal agencies are required to follow. In certain areas, however, the FTR directs agencies to establish their own travel and relocation policies and procedures. One of these areas involves reimbursement for transportation expenses incurred by employees traveling in and around their permanent duty stations:

§ 301-70.102 What governing policies must we establish for authorization and payment of transportation expenses?

You must establish policies and procedures governing:

....

(h) For local transportation whether to reimburse the full amount of transportation costs or only the amount by which transportation costs exceed the employee's normal costs for transportation between:

....

(3) Residence and place of business other than office or duty point.

41 CFR 301-70.102 (2001).

DoD has implemented the FTR through its Joint Travel Regulations (JTR). With regard to travel in and around an employee's permanent duty station, the JTR provide as follows:

A. General.

Reimbursement for transportation expenses in the area of the PDS [permanent duty station] may be authorized/approved for travel between:

....

3. residence and place of business other than office or duty point.

B. Travel By Commercial Means.

When authorized/approved, an employee who travels by commercial means is entitled to reimbursement of the actual and necessary expenses incurred for:

1. local public transportation when tokens, tickets or cash fares are not furnished;
2. taxicab fares and transportation-related tips; and
3. hire and operation of a special conveyance including necessary parking fees.

C. Use of POC [privately owned conveyance] Between Residence or PDS and Alternate Work Site Within the Local Area.

When use of a POC is authorized/approved for travel between an employee's residence or the PDS and one or more alternate work sites within the local area, the employee shall be paid mileage for the distance that exceeds the employee's commuting distance. For travel to and from a transportation terminal, par. C4657 applies.

JTR C2401 (Sept. 1, 2001).¹ Paragraph C4657 states:

B. Expenses Incurred for Two One-way Trips to and from a Transportation Terminal.

1. When a POC is used for one-way travel from a residence or PDS to a transportation terminal and then from the transportation terminal to a residence or PDS when the TDY is completed, the employee incurring the POC operating expenses is paid mileage and reimbursed for parking fees, ferry fares, road, bridge and tunnel tolls for the most direct route.

JTR C4657.

NIMA interprets these regulations to limit an employee's local transportation expense reimbursements to costs incurred beyond his or her normal commuting expenses. Although this would be a perfectly sensible rule, permitted by the FTR, DoD, through the JTR, has adopted the rule only with respect to certain travel by POC. In plain English, we read the JTR to say this about employees in Mr. Bohlinger's situation: An employee who travels by commercial means between his residence and a place of business other than his regular office is entitled to be reimbursed for those out-of-pocket expenses. JTR C2401-A, -B. If the employee chooses to drive his own vehicle, he may be paid only for mileage that exceeds his normal commuting distance. JTR C2401-C. However, if the employee drives to a transportation terminal, such as a train station, he will be reimbursed in full for the mileage, regardless of his normal commuting expenses. JTR C2401-C, C4657-B.

¹ NIMA's Instructions for Travel Management say the same thing, using slightly different language.

Applying these rules to Mr. Bohlinger's situation results in the following:

1. For the first training session, when Mr. Bohlinger drove his car from home in Severn, Maryland, to Langley, Virginia, and back, he is entitled to be reimbursed for mileage that exceeded his normal commuting distance. Although the record shows that Mr. Bohlinger drove twenty-four miles to Langley, there is no information as to the distance from his home to his office in Bethesda. Mr. Bohlinger should provide that information to NIMA so that a proper reimbursement can be calculated.
2. For the five training sessions in Vienna, Virginia, Mr. Bohlinger should be reimbured all claimed expenses, totaling \$79.25. Mr. Bohlinger's \$65 monthly commuting subsidy should not affect the travel reimbursement. Whether part of the subsidy should be repaid is a commuting subsidy program issue, not a travel reimbursement issue.
3. Mr. Bohlinger should be reimbursed for the \$5.50 parking fee in Arlington, Virginia.

After calculating the proper reimbursement in accordance with the above, NIMA should pay Mr. Bohlinger the difference between that amount and his prior reimbursement of \$37.78.

ROBERT W. PARKER
Board Judge