

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

May 3, 2002

GSBCA 15841-TRAV

In the Matter of LENA E. HAGEDORN

Lena E. Hagedorn, FPO Area Europe, Claimant.

Captain Robert A. Buehn, U.S.N., Commander, United States Naval Station, Guantanamo Bay, Cuba, FPO Area Europe, appearing for Department of the Navy.

DANIELS, Board Judge (Chairman).

The commanding officer of a naval station located outside the United States asks whether the Government may pay for the travel expenses which would be incurred if an employee with a serious medical condition were to return to her home of record for necessary care. 31 U.S.C. § 3529 (Supp. V 1999). We conclude that the Government may pay for these expenses, provided that a certain determination is made through the Secretarial Process.

Background

Lena E. Hagedorn is a civilian employee of the Department of the Navy at the United States Naval Station, Guantanamo Bay, Cuba. Ms. Hagedorn is about seven months pregnant, and her pregnancy has developed several complications. Her physician at the naval hospital at Guantanamo Bay believes that because that hospital is not capable of dealing with her situation, both mother and child would be at considerable risk if she were to remain there. The physician recommends that in light of Ms. Hagedorn's circumstances, she needs to be transferred promptly to a location where a qualified hospital and social support for the patient are both present. The physician's superior officer concurs in these findings and recommendations. Ms. Hagedorn's home of record is in the Republic of Panama and all of her family lives in that country. She wishes to return there while in need of special medical care and social support.

The commanding officer of the Guantanamo Bay Naval Station strongly supports Ms. Hagedorn's request and asks that we give it immediate attention.

Discussion

The Joint Travel Regulations (JTR), which apply to all civilian employees of the Department of Defense, contain a part dealing with health care travel and transportation allowances for employees who are assigned to permanent duty stations outside the United States. JTR vol. II, ch. 6, pt. M. The principal provision of this part reads:

When a determination is made through the Secretarial Process that local medical facilities (military or civilian) at a location outside the U.S. . . . are not able to accommodate the needs of an employee or dependent, transportation to a designated location may be authorized for appropriate medical/dental care. When authorized, eligible individuals assigned at a PDS [permanent duty station] outside the U.S. are entitled to travel and transportation allowances for travel to and from a designated point incident to employees and their dependents obtaining required health care (whether or not that care is at Government expense) under the conditions and within the limitations in this Part.

JTR C6600-A (Feb. 1, 2002).

Several of the terms contained in this provision are defined elsewhere in the JTR.

- The "Secretarial Process" consists of action by a high-level official within the Department of Defense – in the case of the Department of the Navy, the Secretary of the Navy or his designated representative. JTR vol. II, app. A, pt. I.
- An "employee" is an employee who is "permanently assigned outside the [United States]." JTR C6600-B.1.
- The designated location (or "point") to which transportation may be authorized is "[t]he location that the order-issuing official determines is the nearest facility to the patient where suitable health care can be obtained, based on advice of the appropriate professional certifying physician." JTR C6600-D.
- "Required health care" is "medical and dental care that the order-issuing official determines, based on the advice of an appropriate professional certifying physician, is needed by an employee or dependent located outside the U.S. where there is no adequate facility to provide suitable care." JTR C6600-C. Such care "must be undertaken before the next renewal or EML [environmental and morale leave] travel and which, if delayed, can reasonably be expected to result in a worsening of the condition." Obstetrical care and hospitalization are specifically included. Id. C6600-C.1.a.

As an employee at the naval station at Guantanamo Bay, Ms. Hagedorn is permanently assigned outside the United States, and is therefore eligible for travel and transportation allowances under this part of the JTR, as long as various determinations are made. The commanding officer of the naval station, who also is (or is the supervisor of) the order-issuing official, has already made the determinations necessary to provide this employee with allowances for travel to and from her home of record in Panama. He has concluded, based

on the advice of Ms. Hagedorn's physician, that she needs medical care outside Guantanamo, and that if she does not receive that care immediately, her condition can reasonably be expected to worsen. He has also concluded, based on the physician's advice, and taking into consideration Ms. Hagedorn's need for social as well as medical support, that the nearest facility to Guantanamo where suitable care for this employee can be obtained is in Panama.

All that remains before Ms. Hagedorn's travel and transportation allowances are fixed (see JTR C6602-04) is confirmation through the Secretarial Process of the commanding officer's determination that the Guantanamo naval station's medical facilities are not able to accommodate Ms. Hagedorn's needs. If the Secretary of the Navy or his designated representative confirms that determination, the Government may pay for the expenses Ms. Hagedorn incurs in traveling to and from Panama to receive necessary medical care.

STEPHEN M. DANIELS
Board Judge