

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

November 22, 2002

GSBCA 15905-TRAV

In the Matter of DELNER FRANKLIN-THOMAS

Delner Franklin-Thomas, Weston, FL, Claimant.

Jeffrey A. Smith, Chief Financial Officer, Equal Employment Opportunity Commission, Washington, DC, appearing for Equal Employment Opportunity Commission.

NEILL, Board Judge.

Claimant, Ms. Delner Franklin-Thomas, an employee of the Equal Employment Opportunity Commission (EEOC), disputes a claim from her agency that she pay \$178.73 for travel conducted during June 1996. For the reasons set forth below, we conclude that the travel in question was official, authorized travel and that the costs associated with it should be borne by the agency.

Background

In June 1996, claimant, a supervising attorney for the EEOC, with her permanent duty station (PDS) in New York City, traveled to her parents' home in Tennessee. The purpose of her trip was to leave her infant child in her parents' care while she returned to New York to work on a litigation project which required an extensive commitment of time. Several weeks before leaving for Tennessee, Ms. Franklin-Thomas purchased, at a special rate, a restricted airline ticket for travel from New York City to Memphis, Tennessee, and return.

Before leaving for Memphis, claimant learned that she was expected to attend a court conference in Syracuse, New York, on the morning of the day of her scheduled return from Memphis. Her return flight from Memphis was not scheduled to arrive until the evening of that day. Since a change in reservations would have been prohibitively expensive, Ms. Franklin-Thomas, after consulting with her supervisor, made arrangements, through the agency's travel management center, to fly directly from Memphis to Syracuse on the appointed day and from there back to her PDS in New York City. Her statement contained in the agency report reads:

My manager, at the time authorized me to leave from my parents^[] home to make the hearing for the agency. Therefore, instead of my trip originating

from my duty station, New York, it originated from my parents[¶] home in Tennessee. I traveled pursuant to New York's management authorization.

The total cost of Ms. Franklin-Thomas' airline tickets from Memphis to Syracuse and from Syracuse to New York City came to \$316.73. The agency agreed to pay \$138 towards this total cost. This amount represents what the Government would have paid for the claimant to fly on a contract carrier directly from New York City to Syracuse and back on the day of her conference. The agency contends that the balance of \$178.73 is the responsibility of Ms. Franklin-Thomas and represents an additional cost incurred as a result of her electing, for personal reasons, not to fly directly to Syracuse from her PDS in New York City. The claimant disagrees. She states that her flight from Memphis to Syracuse was taken to accommodate the Government's needs and was made with the Government's knowledge and authorization.

Discussion

On June 24, 1996, the day on which Ms. Franklin-Thomas traveled from Memphis to Syracuse and then on to New York City, the Federal Travel Regulation (FTR) had the following provision regarding travel of Government employees by an indirect route:

When a person for his/her own convenience travels by an indirect route or interrupts travel by direct route, the extra expense shall be borne by him/her. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route.

41 CFR 301-2.5(b) (1995) (FTR 301-2.5(b)). The current version of this provision is basically the same. It reads:

Q: What is my liability if, for personal convenience, I travel by an indirect route or interrupt travel by a direct route?

A: Your reimbursement will be limited to the cost of travel by a direct route or on an uninterrupted basis. You will be responsible for any additional costs.

FTR 301-10.8 (2002).

Based upon this regulation, the Board on numerous occasions has upheld an employee's entitlement to reimbursement of travel costs up to, but not beyond, the constructive cost of direct travel when, for reasons of personal convenience, that individual traveled by an indirect route or interrupted travel by the direct route and, as a result, incurred extra expense. E.g., Peter J. Van Deusen, GSBCA 15366-TRAV, 01-1 BCA ¶ 31,371; Susan Reed, GSBCA 13993-TRAV, 97-2 BCA ¶ 29,303; Phyllis G. Thompson, GSBCA 13691-TRAV, 97-2 BCA ¶ 29,067; Lorrie L. Wood, GSBCA 13705-TRAV, 97-1 BCA ¶ 28,707 (1996).

We have, however, also recognized that there is no reason why an agency cannot, at its discretion and for reasonable cause, authorize an employee to start and/or complete temporary duty (TDY) travel at a point outside the employee's PDS area. Wesley Davis, GSBCA 15623-TRAV, 02-1 BCA ¶ 31,680 (2001). The present case is readily distinguished from those involving travel by an indirect route or interrupted travel by a direct route for reasons of personal convenience. Ms. Franklin-Thomas' statement clearly declares, without any objection whatsoever from the agency, that she was authorized to leave for her TDY assignment from her parents' home in Tennessee; that her TDY travel, therefore, originated from that point rather than from her PDS area; and that she traveled pursuant to management authorization.

Consequently, we do not view this case as one involving indirect routing of TDY travel. Neither does it appear that the agency initially viewed the situation in this manner since it authorized Ms. Franklin-Thomas to travel to Syracuse from Tennessee. Prior to this authorization, she explained to her superior that she planned to be in Tennessee on the day she was to start her TDY travel. The agency's solution to this problem was to authorize her to start her TDY travel from that point rather than from New York City. Further, there is no suggestion that her route to Syracuse from Memphis or her subsequent flight from Syracuse to her PDS at New York City was indirect or involved a delay for personal convenience.

Given the record before us, we find the flights arranged for claimant by the agency's travel office, which took her first from Memphis, Tennessee, to Syracuse, New York, and, promptly thereafter, from Syracuse to New York City, constituted official, authorized travel and did not involved indirect routing or delay for the employee's convenience. Accordingly, the costs of these flights should be borne, in their entirety, by the agency itself.

EDWIN B. NEILL
Board Judge