

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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September 8, 2003

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GSBCA 16097-TRAV

In the Matter of BRENDA J. YOUNGBLOOD

Brenda J. Youngblood, Memphis, TN, Claimant.

Jody A. Trenary, Assistant Director, Resources, Defense Contract Audit Agency, Fort Belvoir, VA, appearing for Department of Defense.

**HYATT**, Board Judge.

When an employee is involved in an automobile accident while conducting official business in connection with a temporary duty (TDY) assignment, the agency may, if it determines this to be in the Government's best interest, reimburse the expenses of travel to return to the TDY location to appear in court in response to a citation.

## Background

Claimant, Brenda J. Youngblood, an employee of the Defense Contract Audit Agency, (DCAA), was on a TDY assignment in Atlanta, Georgia, in March 2003. She was authorized to rent a car in connection with this travel. While traveling in the rental car in the Atlanta area, Ms. Youngblood was involved an auto accident in which, according to her, the other driver was at fault. The accident resulted in minor damage to both vehicles. Neither the drivers nor any passengers were hurt. A police officer came to the scene and, because he could not determine who was at fault, issued citations to both drivers.

Ms. Youngblood states that under Georgia law, when automobiles are involved in an accident, it is mandatory for both drivers to appear in court. Her court date was set for some time after the completion of her TDY assignment, requiring her to return to Georgia in order to appear in court. Ms. Youngblood asked DCAA to reimburse her for the expenses of the return trip to Atlanta to appear in court, since the accident occurred incident to her performance of temporary duty in Atlanta. DCAA told her that it could find no authority for the agency to pay such expenses, but also suggested that Ms. Youngblood ask the Board to review its disallowance of the expenses.

### Discussion

The issue here is whether an employee's return travel to a TDY location to appear in court in response to a citation may be considered official business, such that the agency would have authority to reimburse the travel expenses incurred. To the extent that the agency may reasonably determine that it is in the Government's best interest for the employee to successfully defend against a finding that the employee was at fault in connection with the accident, the answer to this query is yes.

The Comptroller General, the Board's predecessor in settling claims involving official travel expenses of federal civilian employees, has addressed a similar situation. In that case, the civilian employee was driving his vehicle in connection with official TDY and became involved in a collision with another vehicle. The highway patrolman at the scene ticketed both drivers and both drivers were required to attend a criminal hearing before a county judge. The Comptroller General stated that to the extent there was a possibility that a tort suit could be maintained against the United States as a result of the accident, it could be considered to be in the best interest of the Government to authorize reimbursement of travel expenses to defend against the ticket. Wells E. Ludlow, 44 Comp. Gen. 188 (1964); accord John J. Rodden, 53 Comp. Gen. 214 (1973). But see Timothy J. Doyle, B-209,951 (June 7, 1983) (accident occurring while traveling to dinner not incident to use of vehicle for official business; resulting expenses therefore not reimbursable).

In making a determination that it is in the Government's best interest to pay an employee's travel expenses, then, the agency may wish to consider such factors as: (1) whether the accident occurred while the vehicle was being used for an official business purpose, and (2) the nature and extent of the property damage and personal injury, if any, suffered in the accident involving the employee, such that the Government might be exposed to some liability arising from the accident. If the Government could be liable for damages, it would certainly be an appropriate exercise of discretion to reimburse the travel expenses incurred by the employee to attend court proceedings.

It is not clear from the information provided by Ms. Youngblood whether she was traveling to or from her temporary assignment when the accident occurred or whether the Government was exposed to any risk of tort liability arising from the accident. Depending on the agency's overall assessment of the circumstances of this case, it may well be that DCAA could, in the exercise of its discretion in this regard, authorize the expenses of travel to defend against the citation. We defer to the agency to make that determination.

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CATHERINE B. HYATT  
Board Judge