

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

April 27, 2004

GSBCA 16331-TRAV

In the Matter of VICTORIA DAVIS

Victoria Davis, Atlanta, GA, Claimant.

Christopher P. Jensen, Chief, Division of Financial Management, Fish and Wildlife Service, Department of the Interior, Arlington, VA, appearing for Department of the Interior.

GOODMAN, Board Judge.

Claimant, Victoria Davis, is an employee of the Department of the Interior. She has requested that this Board review the agency's denial of reimbursement of certain costs incurred during temporary duty (TDY) travel.

Factual Background

Claimant was on TDY travel in June 2003 in Arlington, Virginia. Prior to initiating travel, she requested and was denied authorization for a rental car. She submitted a request for reimbursement of travel costs for taxi and subway fares in the amount of \$68.90. Claimant used these means of transportation to get to the restaurants where she obtained meals. Claimant states that she could eat in proximity to her TDY site only at fast food or ethnic restaurants, neither of which provided her normal diet. The agency denied reimbursement, stating that claimant did not sufficiently justify that she could not obtain meals in close proximity to the TDY site.

Discussion

The governing Federal Travel Regulation provision in effect at the time of claimant's travel stated:

When may I use a local transit system? . . .

To places where meals can be obtained. Where the nature and location of the work at your TDY station are such that meals cannot be obtained there, travel to obtain meals at the nearest available place is an allowable expense. You must, however, attach a statement to your travel voucher explaining why such travel was necessary.

41 CFR 301-10.190(b) (2002).

The claimant's statement as to the availability of meals at her TDY site does not demonstrate that "meals cannot be obtained there." Rather, it showed that she preferred to eat elsewhere. Consequently, the necessary prerequisite for agency responsibility for the cost of transportation to the "nearest available place" for meals has not been met. David Wheeler, GSBCA 14842-TRAV, 99-1 BCA ¶ 30,290.

Decision

The claim is denied.

ALLAN H. GOODMAN
Board Judge