

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

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April 29, 2004

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GSBCA 16357-TRAV

In the Matter of RENE A. WEBB

Renea A. Webb, Willingboro, NJ, Claimant.

Nooshen Amiri and R. Michael Ching, Office of Inspector General, Department of Agriculture, Washington, DC, appearing for Department of Agriculture.

**PARKER**, Board Judge.

Renea A. Webb, an employee of the United States Department of Agriculture's Office of Inspector General (OIG), asks the Board to review her agency's denial of a claim for \$176 in per diem expenses in connection with four weekend trips home during a long-term temporary duty (TDY) assignment. For the reasons discussed below, we affirm the agency's denial of Ms. Webb's claim.

Background

In August 1998, Ms. Webb was part of an audit team working on a thirty-day TDY assignment in Romney, West Virginia. Her permanent duty location was Robbinsville, New Jersey. Before sending the audit team to Romney, the OIG determined that it was most beneficial to the agency to release the employees sufficiently early on the last workday of every week to allow them to drive back to New Jersey (approximately 262 miles) and arrive home within the workday. Under this policy, the agency determined that Ms. Webb would be entitled to seventy-five percent of the meals and incidental expenses (M&IE) portion of the applicable per diem rate for Romney.

Ms. Webb did not feel that she could complete her part of the assignment without working the entire day on the last workday of every week. Without asking permission to do so, Ms. Webb worked the entire last workday of every week (four weeks), and then drove from Romney to Baltimore, Maryland, where she spent the night with a friend. The next day, she proceeded home to New Jersey. Ms. Webb claims that she is entitled to a full-day's M&IE portion of the per diem allowance for the last day of each work week and seventy-five percent of the M&IE portion for the next day. In addition, she claims that the applicable per diem rate is the one for Baltimore, not Romney.

### Discussion

Ms. Webb's principal argument -- that she, rather than the agency, was entitled to determine what combination of work hours and travel time was most beneficial to the Government -- is fundamentally incorrect. Section 301-70.1 of the Federal Travel Regulation (FTR) provides the following instructions to agencies in connection with their general policies and procedures for official travel:

#### **How must we administer the authorization and payment of travel expenses?**

You must limit the authorization and payment of travel expenses to travel that is necessary to accomplish your mission in the most economical and effective manner, in accordance with the rules stated throughout this chapter.

41 CFR 301-70.1 (1998). Similarly,

#### **What travel expenses may my agency pay?**

Your agency may pay only those expenses essential to the transaction of official business . . . .

Id. 301-2.2. The agency, not the employee, determines what travel is necessary to accomplish its mission in the most economical and effective manner, and what is essential to the transaction of official business.

Here, the OIG determined in advance that its mission could be accomplished most economically and effectively by having the members of the audit team, including Ms. Webb, work a partial day on the last day of each week, and use the rest of the workday to travel home for the weekend. Under the FTR, because the employees were expected to be in a travel status more than twelve but less than twenty-four hours on the last day of each workweek, Ms. Webb and the other members of her team were entitled to seventy-five percent of the applicable MI&E rate for Romney, their TDY location. 41 CFR 301-11.101(a), -11.02.

Ms. Webb points to section 301-11.23 of the FTR as authority for incurring the cost of traveling home on a non-workday. That section provides in pertinent part:

Your agency may authorize per diem or actual expense and round-trip expenses for periodic return travel on non-workdays to your home or official station under the following circumstances:

. . . .

(c) Periodic return travel home is justified incident to an extended TDY assignment.

41 CFR 301-11.23. The problem with Ms. Webb's argument, however, is that, although this provision allows agencies to authorize travel home on non-workdays ("Your agency may . . ."), it did not do so here. The agency authorized Ms. Webb to travel home during the last workday of each week, not on the next non-workday. There is no statute or regulation of which we are aware that would prevent an agency from implementing such an arrangement.

Ms. Webb's complaint here really challenges the OIG's decision that the work could be completed in the time allotted, and that is a project planning, rather than a travel, issue. The appropriate travel reimbursement flows from the agency's project planning decision. If Ms. Webb felt she was unable to complete her assignment within the hours prescribed, she should have attempted to convince her office to change its decision, rather than ask for additional travel expense reimbursement contrary to the agency's standing instructions. In any event, because the agency did not alter its original instructions, Ms. Webb's travel claim must be denied.

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ROBERT W. PARKER  
Board Judge