

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

October 13, 2004

GSBCA 16477-TRAV

In the Matter of TASSOS ABADIOTAKIS

Tassos Abadiotakis, Kennedy Space Center, FL, Claimant.

Sam Lenck, Deputy CFO for Finance, National Aeronautics and Space Administration, Kennedy Space Center, FL, appearing for National Aeronautics and Space Administration.

PARKER, Board Judge.

The National Aeronautics and Space Administration (NASA) has requested an advance decision on the issue of whether one of its employees, Tassos Abadiotakis, was on official duty at the time of an automobile accident. The accident occurred while Mr. Abadiotakis was driving to the airport for a return to his permanent duty station from the location of a personal trip taken after his temporary duty ended.

Background

Mr. Abadiotakis was authorized to travel on Wednesday, June 9, 2004, from his permanent duty station in Cape Canaveral, Florida, to a temporary duty station in Ogden, Utah. Mr. Abadiotakis was originally scheduled to return on Friday, June 11, but the travel orders were amended to authorize a return date of Sunday, June 13, so that Mr. Abadiotakis could remain in the area for personal reasons. The travel orders authorized the use of a rental car in connection with the temporary duty.

Mr. Abadiotakis spent the weekend of June 12-13 in Jackson Hole, Wyoming, on personal business. He kept the rental vehicle during this time. While traveling on Sunday, June 13, Mr. Abadiotakis was involved in an accident when an elk ran into the vehicle he was driving. There were no injuries, but the vehicle was damaged on the driver's side. The accident occurred around 4:00 a.m. while Mr. Abadiotakis was driving back from Jackson Hole to Salt Lake City, Utah, where his return flight to Florida was scheduled to depart at 10:10 a.m. The accident occurred just outside Garden City, Utah, which is approximately 120 miles from the airport.

Decision

NASA asks whether it should reimburse Mr. Abadiotakis for the \$2627.77 in repair costs he paid to the car rental company in connection with the accident. We hold that NASA may not reimburse Mr. Abadiotakis because he was not on official duty at the time of the accident.

The Federal Travel Regulation (FTR) states the general rule that an agency may pay only those expenses essential to the transaction of official business. 41 CFR 301-2.2 (2003). Specifically with regard to rental cars, any deductible amount paid by an employee may be reimbursed only "if the damage occurred while [the employee was] performing official business." Id. 301-10.451; see Raymond B. Washburn, 68 Comp. Gen. 318 (1989); Timothy J. Doyle, B-209951 (June 7, 1983).

Mr. Abadiotakis was not performing official business at the time of his accident. His temporary duty ended on Friday, June 11, not Sunday, June 13, when the accident occurred. But for the fact that he spent the weekend on personal business, Mr. Abadiotakis would have been back in Florida on June 13. Although it is true that Mr. Abadiotakis would have had to drive from his hotel to the airport had he left on Friday, he would not have been driving at 4:00 a.m. on a road 120 miles from the airport. After Friday, when his temporary duty ended, the rental car was both an expense and a responsibility of Mr. Abadiotakis, not the Government.

Decision

NASA should not reimburse Mr. Abadiotakis for the damage to the rental car.

ROBERT W. PARKER
Board Judge