

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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July 18, 2002

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GSBCA 15881-TRAV

In the Matter of JACK A. BRADLEY

Jack A. Bradley, Tucson, AZ, Claimant.

Edward J. Nebrensky, Financial Manager, Defense Contract Audit Agency, Department of Defense, Central Region, Irving, TX, appearing for Department of Defense.

**GOODMAN**, Board Judge.

Claimant, Jack Bradley, is a civilian employee of the Department of Defense. He has submitted a claim for reimbursement of expenses incurred in using his privately owned vehicle (POV) while on official duty travel. The Defense Contract Audit Agency (DCAA) has requested that this Board issue an advance decision, see Rule 501 (48 CFR 6105.1 (2000)), as to the applicability of a provision in the Joint Travel Regulations (JTR) which governs this reimbursement.

## Factual Background

Federal Travel Regulation (FTR) § 301-10.302 states in relevant part:

How do I determine distance measurements for my travel?

If you travel by [p]rivately owned automobile or privately owned motorcycle [t]he distance between your origin and destination is [a]s shown in standard highway mileage guides, or the actual miles driven as determined from odometer readings.

The provision in the JTR that deals with mileage traveled by POV reads as follows:

C1065 OFFICIAL DISTANCE DETERMINATION

A. Privately Owned Conveyance (Except Airplane). The Defense Table of Official Distances (DTOD):

1. is the only official source for worldwide TDY [Temporary Duty] and PDT [Permanent Duty Travel] distance information,
2. replaces all other sources used for computing distance (except for airplanes . . .),
3. uses city to city distance (not zip code to zip code),  
. . .
4. provides distances which must be rounded to the nearest mile for each leg of a journey,
5. does not apply to travel distance determined by odometer readings (i.e., travel in and around the PDS or TDY sites; or between home/office and transportation terminal), and
6. website is found at <http://dtod-mtmc.belvoir.army.mil>

The agency has stated in its request:

The Defense Finance and Accounting Service [DFAS] limits mileage reimbursement for use of POV on TDY to the amount shown in DTOD. We have had many complaints from travelers that their mileage amounts and reimbursement had been limited by DFAS reducing their claimed mileage as recorded by odometer readings to that listed in the DTOD. We frequently authorize TDY by POV throughout our Region which includes the states of Arizona, Utah, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, North and South Dakota, Missouri, Illinois, Iowa, Minnesota, and Wisconsin. Many sites visited are in remote locations with limited air service. Many of our travelers have reported differences of as much as 30 miles one way from what they claimed based on odometer readings and what they were reimbursed by DFAS.

The FTR would indicate that the method of reimbursement would be at the option of the traveler. Which of the Regulations would govern, the FTR which clearly allows reimbursement based on odometer readings or the JTR which limits reimbursement to the mileage shown in the DTOD?

The enclosed travel claim from Mr. Jack Bradley of our Raytheon Missile Systems Resident Office, Tucson, Arizona[,] is claiming reimbursement for POV travel to our Arizona Branch Office in the Phoenix, AZ. area. His claim of 238 miles and \$86.87 based on

odometer readings was reduced by DFAS to 224 miles and \$81.76 based on the mileage shown by the DTOD.

### Discussion

The provisions of the FTR and the JTR that govern mileage traveled by POV are not in conflict. The FTR states that mileage is to be determined by standard highway mileage guides or odometer readings. It does not indicate that the choice is at the option of the employee. The DOD has interpreted the FTR to mean that the determination is at the option of the agency, and it has reasonably designated the DTOD as the means for determining mileage. A review of the website cited in the JTR provision contains a detailed history of the creation and the implementation of the DTOD by the DOD. Under this scheme, the employee does not have the option to determine the mileage by odometer readings, even when those readings would yield greater reimbursement.

In Nadene R. Abramo, GSBCA 15060-TRAV, 99-2 BCA ¶ 30,352, we addressed this issue when a claimant asserted that her odometer mileage yielded a different result than the DTOD. We stated:

[T]he Joint Travel Regulations (JTR) make the DTOD "the only official source for [temporary duty] and [permanent change of station] travel distance (except for airplanes)" of civilian employees of the Department of Defense. JTR C 1065-B; see also JTR C4658-A. The DTOD "replaces all other sources used for computing distance (except for airplanes)." JTR C1065-A.2. Given this regulatory directive, the agency's use of the DTOD was correct, and even if the distance claimed by [claimant] was actually measured on her car's odometer, it may not be used for reimbursement of her travel costs. The claim must therefore be denied.

99-2 BCA at 150,797; see also, Raymond W. Martin, GSBCA 15559-RELO, 01-2 BCA ¶ 31,505.

Consistent with our holding in Abramo, DOD should reimburse Mr. Bradley for his travel through application of the distances found in the DTOD.

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ALLAN H. GOODMAN  
Board Judge

