

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

June 2, 2004

GSBCA 16240-TRAV

In the Matter of CATHERINE L. HADDOW

Catherine L. Haddow, APO Area Europe, Claimant.

Capt. Samantha T. Bell, Financial Services Officer, Customer Support, Headquarters 100th Air Refueling Wing, Department of the Air Force, APO Area Europe, appearing for Department of the Air Force.

DeGRAFF, Board Judge.

Although we deny this claim for reimbursement of renewal agreement travel expenses for lack of proof, the agency may be able to reimburse the employee if she provides the agency with documentation of her expenses and her flight numbers.

Background

Catherine L. Haddow is employed by the Department of Defense Dependents Schools (DoD). In 1999, when Ms. Haddow was working in Germany, DoD authorized her and her two children to travel to Arizona, her place of actual residence in the United States when she left for her overseas assignment. The purpose of the trip was renewal agreement travel, which enables an employee who has been transferred overseas to return to his or her place of actual residence in the United States and take leave between tours of duty overseas, with the agency reimbursing the travel and transportation expenses of the trip.

According to her travel authorization, Ms. Haddow was required to travel on a United States flag carrier unless no United States flag carrier service was available. She was authorized to make her own travel arrangements, although her reimbursement would be limited to the cost of Government-provided transportation by the most direct route and most economical mode of travel. If Ms. Haddow traveled to destinations other than her place of actual residence in the United States, she would be responsible for any additional costs attributable to the deviation from the most direct route between Germany and Arizona.

We have a copy of a voucher signed by Ms. Haddow and dated August 18, 1999, which shows she and her children left Vilseck, Germany on July 15, 1999, and flew from Nuremberg, Germany, to Iowa. They traveled to Kansas, Colorado, Wyoming, Utah, and Washington before arriving in Arizona. On August 14, they left Arizona and flew back to Germany, where they arrived the following day.

What happened to Ms. Haddow's voucher is unclear. Apparently, the person who reviewed the voucher was transferred, and DoD subsequently lost all of Ms. Haddow's supporting documentation. In early 2001, Ms. Haddow signed a statement saying her receipts had been lost. She said her airline tickets had been issued by Lufthansa-United and the amount she claimed was \$4621.87 for airfare. Her statement did not include a claim for per diem expenses.

In support of her claim, Ms. Haddow provided a copy of her United Airlines frequent flyer statement which shows on August 14 and 15, 1999, she flew on Lufthansa from the United States to Germany. The frequent flyer statement shows the flight numbers as 3502 and 3632. We asked Ms. Haddow several times for copies of any airline tickets or other documentation about the flight she and her children took from Germany to the United States. We also asked her for documentation to show how much she paid for the airline tickets. To date, Ms. Haddow has not been able to locate any such documentation.

Ms. Haddow transferred to England and continued to pursue her claim. In 2003, DoD decided to deny the claim because Ms. Haddow flew on a foreign flag carrier. Ms. Haddow asked us to review DoD's decision.

Discussion

In order to be reimbursed for her airfare, Ms. Haddow must not have received a travel advance for the amount of the airline tickets and must not have already been reimbursed for the cost of the tickets. Usually, when an employee makes a claim for reimbursement, the responding agency is able to tell us if the employee was advanced funds or has been reimbursed. Although the responding agency in this case has been very helpful in assisting Ms. Haddow and the Board, the responding agency did not know whether Ms. Haddow had received an advance or had been reimbursed, because the responding agency was not responsible for authorizing Ms. Haddow's travel or for reimbursing her travel expenses. The Defense Finance and Accounting Service searched its records on behalf of the responding agency, however, and found Ms. Haddow received no travel advance and has not been reimbursed for her transportation expenses for the trip at issue in this claim.

In order to establish her entitlement to reimbursement, Ms. Haddow must show how much she paid for the tickets. According to the General Services Administration's Audit Division, the cost of three Government-provided round-trip tickets from Nuremberg, Germany, to Iowa (Ms. Haddow's first stop in the United States) would have been approximately \$4150 plus applicable taxes. Although the amount claimed by Ms. Haddow is close to this figure, she cannot be reimbursed without providing a canceled check or a credit card statement or some similar type of documentation to show how much she paid for the three tickets.

In order to establish her entitlement to reimbursement, Ms. Haddow must also show she used United States air carrier service for her travel. She meets this requirement if Lufthansa was the operating carrier, so long as Lufthansa and a United States flag carrier had a code share agreement and the United States flag carrier was the ticketed air carrier. 14 CFR 19.7 app. A (1999); 41 CFR 301-10.134, -10.135 (1999); 70 Comp. Gen. 713 (1991). In 1999, Lufthansa provided service under a code share agreement with United Airlines, and the code share flights had flight numbers between 3500 and 3963. Ms. Haddow meets the requirement for using a United States air carrier for her flight from the United States to Germany, because her United Airlines frequent flyer statement shows Lufthansa flights with United Airlines flight numbers consistent with the provision of service under the code share agreement. We have no information, however, regarding Ms. Haddow's flights from Germany to the United States. If she can establish she flew on Lufthansa and her flight numbers were United Airlines flight numbers between 3500 and 3963, she will have met the requirement for using United States air carrier service for her flights from Germany to the United States. She can do this by providing the agency with a United Airlines frequent flyer statement that shows the flight numbers of the flights from Germany to the United States, by producing a copy of her airline tickets, or by supplying other documentation to establish her flight numbers.

We must deny the claim for lack of proof. However, Ms. Haddow is entitled to be reimbursed for her allowable transportation expenses if she provides the agency with documentation to show (1) the amount she paid for the airline tickets, and (2) her flight numbers on the trip from Germany to the United States were United Airlines flight numbers between 3500 and 3963.

MARTHA H. DeGRAFF
Board Judge