



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

September 18, 2024

CBCA 8122-TRAV

In the Matter of MATTI W.

Matti W., Claimant.

Nancy L. Caldwell, Chief, Travel Section, Customs and Border Protection, Department of Homeland Security, Indianapolis, IN, appearing for Department of Homeland Security.

SULLIVAN, Board Judge.

Claimant, an employee of the United States Customs and Border Protection, Department of Homeland Security (CBP or agency), challenges the agency's denial of his request for reimbursement of meal and incidental expenses (M&IE) that he incurred during a training trip. Because the agency furnished meals to training participants, the agency properly denied the claim.

Background

CBP authorized claimant to travel on temporary duty (TDY) for seventeen days from the end of April through mid-May 2024. Prior to his trip, claimant received a welcome letter which explained that training attendees would be housed in off-site facilities within a thirty-mile radius of the training center and would be required to carpool with their coworkers to report to duty at the training center. The agency also informed claimant that he would receive a reduced per diem allowance for M&IE on the days that meals were provided at the dining hall at the training facility. When meals were not provided, the agency would pay claimant the full M&IE per diem allowance.

Prior to his travel, claimant tried unsuccessfully to obtain approval to be paid the full M&IE per diem. Upon returning from travel, he claimed \$631, which was the difference between the full per diem for the seventeen days and the amount that the agency reimbursed claimant for his M&IE expenses.

Discussion

Under the Federal Travel Regulation (FTR), agencies are required to pay employees on official travel a per diem allowance for M&IE. 41 CFR 301-11.1, .3 (2023) (FTR 301-11.1, .3). If the agency provides any meals, the per diem “M&IE allowance must be adjusted for meals furnished to [employees] by the Government . . . by deducting the appropriate amount.” FTR 301-11.18(a); *see Scott J.N. McNabb*, GSBICA 15211-TRAV, 00-2 BCA ¶ 31,005, at 153,176. An agency may grant an exception to this rule in advance of travel for specific circumstances, including for medical or religious reasons or an inability to eat the government meal because of the conduct of official business. FTR 301-11.18(b)-(c). Claimant did not identify a permitted exception to this rule, and the agency properly reduced claimant’s request for reimbursement of M&IE for meals furnished at the training center.

Claimant asserts that he should be reimbursed the full M&IE per diem because breakfast and dinner on weekdays and all meals on weekends were furnished outside of his scheduled training hours. Claimant also asserts that it was inconvenient to coordinate the carpool and report to the dining facility outside of his training hours. Because he was traveling on TDY, the agency was required to provide food and shelter. However, the agency was permitted to provide food in a cost-effective manner, which included government-furnished meals at the training center. Claimant was not required to consume the meals offered by the agency, but, if he elected to obtain meals elsewhere for his own convenience, the cost of the meals that he chose to purchase were his responsibility. *Ruthanne S. Darling*, CBCA 1461-TRAV, 09-2 BCA ¶ 34,153, at 168,825.

Claimant alleges that other agency employees lodged at his same hotel involved in other training sessions received reimbursement for full M&IE. Claimant’s allegations that other employees were paid for the same travel costs that he has been denied does not provide a basis for relief. *Tommy A.*, CBCA 7731-TRAV, 24-1 BCA ¶ 38,477, at 187,022 (2023). Similarly, claimant’s citation to *Keith Hill*, CBCA 5029-RELO, 16-1 BCA ¶ 32,295, is not persuasive. The government employee in that case was being relocated, and he and his family were reimbursed meal expenses during the relocation. *Id.* at 176,996. That case does not involve the provision of government-furnished meals during temporary duty for training. *Id.*

Decision

The claim is denied.

Marian E. Sullivan
MARIAN E. SULLIVAN
Board Judge