



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

AFBCMR 97-00442

DEC 04 1997

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that he had no other alternative but to purchase transportation from a commercial travel office (CTO) not under contract to the Government and that he ~~was~~ authorized to purchase airline tickets and rental car expenses and that he is authorized reimbursement of the cost of the airline tickets and rental car expenses in the amount of \$388.73.

✓ Director G
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-00442

COUNSEL: None

HEARING DESIRED: No

DEC 6 4 1997

APPLICANT REQUESTS:

Reimbursement for airline tickets (\$147 and \$79) purchased and rental cars (\$29.81 and \$132.92) for a total of \$388.73 used in the line of duty (incident to temporary duty (TDY)).

APPLICANT CONTENDS THAT:

Reserve Orders (ROs) 094 and 095 authorized travel payments far in excess of what actual travel costs were incurred and the travel costs are not being reimbursed. He performed two tours of duty for which auto travel had originally been authorized. He purchased airline tickets at his own expense through a civilian travel agency at significant cost saving to his unit over the auto expense and the government airline cost. During his tours of duty, a notification was sent to his unit advising the unit that such transactions would not be reimbursed. His orders were amended by his unit to reflect payment for those expenditures to no avail. Reimbursement for legitimate authorized expenses incurred in the line of duty has been refused based upon notification received after the expenses had been incurred and the duty performed. Such action after the fact is a fraudulent cost savings to the government at the abusive expense of the member incurring the expense in good faith. Notification after the fact is not adequate legal notification of a regulation or law that has been promulgated but has either been overlooked by precedent or not been made adequately clear and public, and makes such a law or regulation non-binding and unenforceable prior to adequate, clear, and public notification.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

Documentation provided by the applicant reflects that on 10 Jul 96, by RO 094, he was ordered to active duty for three days' TDY to Ft. Sill, Oklahoma, reporting on 21 Jul 96. The estimated cost on AF Form 938 (Request and Authorization for Active Duty Training/Active Duty Tour) reflected \$344 with TR cost not applicable and reimbursement of transportation expenses necessarily incurred in the conduct of official business in and around TDY station was authorized.

On 10 Jul 96, by [REDACTED], the applicant was ordered to active duty for two days' TDY to Offutt AFB, Nebraska, reporting on 26 Jul 96. The estimated cost on AF Form 938 reflected \$132 with TR cost not applicable and reimbursement of transportation expenses necessarily incurred in the conduct of official business in and around TDY station was authorized.

On 16 Jul 96, the applicant purchased tickets for a round trip from St. Louis to Omaha, Nebraska, on TransWorld Airline for \$79 and round trip between St. Louis and Oklahoma City on Southwest Airlines for \$147 from a non-contract commercial travel office!

On 1 Aug 96, by [REDACTED], applicant's orders were amended to include TR cost from St. Louis to Oklahoma City and return as \$140 and by RO 116, applicant's orders were amended to include TR cost from St. Louis to Omaha and return as \$150.

On 21 Aug 96, DD Fm 1351-2 (Travel Voucher or Subvoucher) reflected the applicant was paid \$63.20 and \$128.35, respectively, for a total of \$191.55.

On 28 Aug 96, by [REDACTED], respectively, the applicant's orders were amended to include hire of special conveyance authorized as more advantageous to the government.

A statement provided by the Comptroller, CAP-USAF [REDACTED], dated 19 Mar 97, indicated that the applicant should be reimbursed for the full \$388.73 (airline tickets and rental car expenses). The Comptroller stated that, while she understood the justification of the decision made by the Comptroller General on reimbursements of this nature, the message was not generated by Air Reserve Personnel Center (ARPC) until 22 Jul 96. The applicant purchased his ticket prior to that date (16 Jul 96) in good faith and therefore should be entitled to be grandfathered for allowable reimbursements (see Exhibit C).

AIR FORCE EVALUATION:

The Chief, Financial Services Division, AFRC/FMF, reviewed this application and indicated that, in accordance with JFTR, Volume 1, paragraph U3120-A, in arranging official travel, personnel are authorized to use the following in accordance with service regulations:

1. Commercial travel offices (CTO) under contract to their respective organizations;
2. In-house travel offices; and
3. General Services Administration (GSA) Travel Management Centers (TMC) .

Except as indicated in subparagraph-B, when a member purchases transportation from a CTO not under contract to the government, reimbursement is not authorized unless it can be demonstrated that the member had no alternative. The travel regulation is specific in not allowing purchase of air transportation from other than Government Contract Ticketing Offices or directly from airlines under contract with the government.

While the applicant references a message received on 23 Jul 96, which addressed reimbursement for airline tickets, the regulation in question had been in effect prior to 1995. They recommend disapproval of the claim for reimbursement.

A complete copy of the Air Force evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to applicant on 2 Jun 97 for review and response. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After reviewing the evidence provided with this appeal, which includes

the statement from the Comptroller, CAP-USAF, it appears that the message generated by ARPC relating to reimbursement claims for airline tickets not obtained through a Government contracted travel office was not originated until 22 Jul 96. The applicant purchased his tickets prior to that date on 16 Jul 96. Although the Air Force indicated that the regulation had been in effect prior to 1995, we believe that applicant purchased his tickets and rented the rental car in good faith as a one-time cost savings to the government and that he should be reimbursed these expenses. Therefore, we recommend that the records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he had no other alternative but to purchase transportation from a commercial travel office (CTO) not under contract to the Government and that he was authorized to purchase airline tickets and rental car expenses and that he is authorized reimbursement of the cost of the airline tickets and rental car expenses in the amount of \$388.73.

The following members of the Board considered this application in Executive Session on 4 November 1997, under the provisions of AFI 36-2603:

Mr. LeRoy T. Baseman, Panel Chairman
 Mr. David W. Mulgrew, Member
 Mr. Joseph G. Diamond, Member
 Mrs. Joyce Earley, Examiner (without vote)

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 7 Jan 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, CAP-USAF/FM, dated 19 Mar 97.
- Exhibit D. Letter, AFRC/FMF, dated 9 May 97.
- Exhibit E. Letter, AFBCMR, dated 2 Jun 97.


 LeROY T. BASEMAN



DEPARTMENT OF THE AIR FORCE
AIR UNIVERSITY (AETC)

MEMORANDUM FOR HQ ARPC/DSZ

19 March 1997

Attn: Mr. John Egolf
6760 E. Irvington PL #4000
Denver CO 80280-4000

FROM: CAP-USAF/FM
105 South Hansell Street
Maxwell AFB AL 36112-6332

SUBJECT: Correction of Military Records (AFI 36-2603)

[REDACTED] 72 (ltr, dtd 11 Mar 97) (Atch 1 w/backup)

I have personally reviewed the facts and circumstances surrounding [REDACTED] request for a correction of military records and reimbursement for \$79.00 under Reserve Order Number [REDACTED] (Atch 2) and \$147.00 under Reserve Order Number [REDACTED] (Atch 3) for a total of \$226.00 for airline expenses. [REDACTED] has also requested reimbursement for rental car expenses in the amount of \$29.81 and \$132.92, for a total rental car expense of \$162.73. (Atch 4)

I have also reviewed subject guidance from HQ ARPC Denver CO, dated 22 Jul 96 (Atch 5) with respect to the Comptroller General's decision on reimbursement for airline tickets procured from non-government sources.

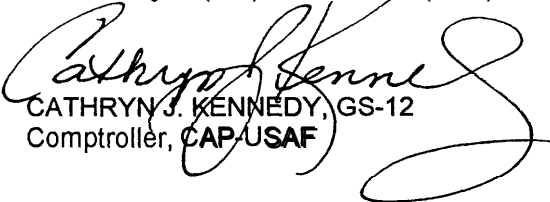
It is my decision that [REDACTED] should be reimbursed for the full \$388.73 (airline tickets and rental car expenses) immediately under the fund cite of [REDACTED]. While I understand the justification of the decision made by the Comptroller General on reimbursements of this nature, the message was not generated by ARPC until 22 Jul 96. [REDACTED] purchased his ticket prior to that date (16 Jul 96, Atch 6) in good faith and therefore should be entitled to be grandfathered for allowable reimbursements.

I am sure [REDACTED] fully understands the current rules of engagement and will not purchase any airline tickets in the future from a non-government source for the performance of official Air Force duty.

I regret that [REDACTED] has had to go through a laborious paper-writing campaign to re-coup what is due him, and sincerely hope in the future that finance offices will review all facts surrounding any such requests, such as chronology of events, prior to denying claims of similar circumstance.

If you have any questions or comments, please call me immediately at (334) 953-6493 or (DSN) 493-6493.

Attachments a/s


CATHRYN J. KENNEDY, GS-12
Comptroller, CAP USAF

cc: CAP-USAF/IM
CAP-USAF/NCLR
Major Moehlmann, III



DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

SANITIZED COPY

MEMORANDUM FOR AFBCMR

9 MAY 1997

FROM: 1-14AFRC/FMF
155 2nd Street
Robins AFB GA 31098-1635

SUBJECT: Correction of Military Records - (AFI 36-2603)
[REDACTED]

We have considered the member's claim for \$226.00 for air transportation incident to temporary duty (TDY) in July 1997. IAW JFTR, Volume 1, Paragraph **UB120-A**, in arranging official travel, personnel are authorized to use the following in accordance with service regulations:

1. Commercial travel offices (CTO) under contract to their respective organization;
2. in-house travel offices; and
3. General Services Administration (GSA) Travel Management Centers (TMC)

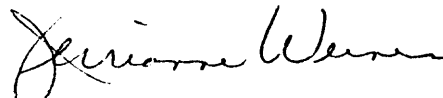
Except as indicated in subpar. B, when a member purchases transportation from a CTO not under contract to the government, reimbursement is not authorized unless it can be demonstrated that the member had no alternative.

The travel regulation is specific in not allowing purchase of air transportation from other than Government Contract Ticketing Office (CTO) or directly from airlines under contract with the government.

The member purchased tickets for a round-trip between St. Louis and Omaha, Nebraska on Trans World Air Lines for \$79.00 and round-trip between St. Louis and Oklahoma City, Oklahoma on Southwest Air Lines for \$147.00 on 16 July 1997, from a non-contract commercial travel office. Also, the member made reference to a message received on 23 July 1996 which addressed reimbursement for airline tickets. The regulation in question had been in effect prior to 1995.

9700442

Based on the reasons cited above, this office recommends disapproval of the claim for reimbursement. Please address any questions to Starlac Hatcher, HQ AFRC/FMFQ, DSN: 499-1436.



JERRIANNE WERNER
Chief, Financial Services Division

