

## Sample Outline of Proof

Rule/Regulation	Topic	Elements of Proof
DoD 4500.9-R, Part I	Passenger Movement	N/A – Background information.
2 JTR C4563F	Constructive date of departure.	Availability of sleeping accommodations determines constructive date of departure for travel. Reclining seats (aircraft) do not meet criteria for adequate sleeping accommodations. For “red-eye” flights, constructive date of departure is next day.
2 JTR C1058B1	Establishes when travel starts and stops.	Employee cannot be required to use “red eye” flights.
2 JTR C1058B3	Scheduling of travel during regular working hours.	Not unreasonable for employee to depart from the TDY station the morning after completing TDY assignment.
2 JTR C4553D2c(3)	Per diem	For day travel ends, per diem allowance Meals & Incidental Expenses (M&IE) rate applicable to TDY location.