



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

November 10, 2010

CBCA 2132-RELO

In the Matter of WARREN NEWELL

Warren Newell, Hugo, OK, Claimant.

Marty Alberts, Administrative Officer, Oklahoma State Farm Service Agency, Department of Agriculture, Stillwater, OK, appearing for Department of Agriculture.

HYATT, Board Judge.

Warren Newell, a farm loan officer employed by the Department of Agriculture's Oklahoma State Farm Service Agency (FSA Oklahoma), was transferred from one permanent duty station in Oklahoma to another in May 2008. In connection with his relocation, Mr. Newell sold his home at the former duty station. He has asked the Board to review the agency's reduction of his claim for real estate transaction expenses incurred in connection with that sale, contending that the agency misapplied the relevant provisions of the Federal Travel Regulation (FTR).

In response to this claim, the agency has submitted a copy of a collective bargaining agreement between FSA Oklahoma and the American Federation of Government Employees (AFGE), Local 3354. The agency advises that Mr. Newell is a non-supervisory employee covered by the agreement and requests that the Board review the terms of the collective bargaining agreement to determine whether it applies to Mr. Newell's claim. Mr. Newell has responded to the agency's submission, noting that he appealed to the Board because that was the only option of which he was informed by the agency.

Article 5 of the agreement between FSA Oklahoma and the AFGE addresses grievances. The scope of a grievance is defined, in pertinent part, as any complaint by an employee concerning "any matter relating to the employment of the employee" or "any

claimed violation, misinterpretation or misapplication of any law, rule or regulation affecting conditions of employment.” There are no stated exclusions to the scope of the grievance procedure.

The Civil Service Reform Act of 1978 provides that the procedures established in a collective bargaining agreement for the settlement of disputes “shall be the exclusive administrative procedures for resolving grievances which fall within its coverage.” 5 U.S.C. § 7121(a)(1) (2006). Unless a matter is specifically excluded, it is covered by the provisions of the collective bargaining agreement. *Id.* § 7121(a)(2).

This claim involves a challenge to the agency’s interpretation of the FTR, which is expressly covered by the grievance procedure. The Board has no authority to settle claims whose resolution is governed by provisions of collective bargaining agreements. *E.g.*, *Daniel T. Garcia*, CBCA 2007-RELO, 10-2 BCA ¶ 34,468; *William Carr*, CBCA 1613-RELO, 09-2 BCA ¶ 34,252; *Thomas F. Cadwallader*, CBCA 1442-RELO, 09-1 BCA ¶ 34,077; *Margaret M. Lally*, CBCA 791-TRAV, 07-2 BCA ¶ 33,713. The collective bargaining agreement’s grievance procedure is the exclusive means available to Mr. Newell for resolving his claim.

This claim is dismissed.

CATHERINE B. HYATT
Board Judge