



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 27, 2014

CBCA 3957-RELO

In the Matter of JOSHUA W. HUGHES

Joshua W. Hughes, North Bonneville, WA, Claimant.

Anne M. Schmitt-Shoemaker, Deputy Director, Finance Center, Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

WALTERS, Board Judge.

On September 15, 2014, the Board dismissed the instant case as beyond our authority, because claimant, Joshua W. Hughes, is a member of a bargaining unit, the National Federation of Federal Employees (NFFE), covered by a collective bargaining agreement (CBA) and because the CBA's grievance procedure does not carve out exceptions for review of travel or relocation expense reimbursement claims by this Board.

By electronic mail message dated October 15, 2014, an NFFE union steward submitted a request for reconsideration of our ruling. We notified that person that we could not entertain her request, because she was not a party to the matter and because Mr. Hughes had not indicated at any time that he desired her to serve as his representative before the Board.

By electronic mail message of October 22, 2014, Mr. Hughes submitted his own request for reconsideration. Under Board Rule 407, 48 CFR 6104.407 (2013), a request for reconsideration from a claimant located in one of the fifty states or the District of Columbia must be received by the Board within thirty days after the date the decision was issued. Mr. Hughes' request was filed after the time permitted, so it must be dismissed.

We take this opportunity to note, however, that Mr. Hughes is mistaken as to the nature of the Board's dismissal order. He asserts that the order somehow constitutes a "decision" that the agency's "debt collection regulations do not apply to [his] RITA [relocation income tax allowance] overpayment." The dismissal order here was not a decision resolving the validity of a debt. Rather, it was merely a recognition that the Board was without authority to decide the merits of the case, let alone conduct a hearing (which is outside the contemplation of the Board's rules for these cases). Absent authority to resolve the dispute, the Board was required to dismiss it.

RICHARD C. WALTERS
Board Judge