



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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December 22, 2015

CBCA 4892-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.

Claimant, Joshua W. Hughes, in 2014 sought the Board's review of an agency determination of relocation income tax allowance (RITA) overpayment in connection with his permanent change of status (PCS) as an employee of the Army Corps of Engineers. Because Mr. Hughes was admittedly a bargaining unit employee, we dismissed the case, since the matter was not excluded from the grievance procedure under the applicable collective bargaining agreement (CBA). *Joshua W. Hughes*, CBCA 3957-RELO, 14-1 BCA ¶ 35,745. We subsequently denied claimant's attempt to seek reconsideration, as his request for reconsideration was untimely under the Board's rules. *Joshua W. Hughes*, CBCA 3957-RELO, 14-1 BCA ¶ 35,789. On July 21, 2015, claimant filed with the Board a petition for a hearing under the federal debt collection regulations, "to determine the validity of the existence or amount" of his alleged debt for RITA overpayment. As we noted in our decision regarding the request for reconsideration, our dismissal order was not intended as a decision resolving the validity of the debt and was issued in recognition "that the Board was without authority to decide the merits of the case, *let alone conduct a hearing.*" 14-1 BCA at 175,053 (emphasis added).

Although the agency undoubtedly has designated a forum for conducting hearings to determine the validity of debts asserted under the federal debt collection regulations, it has not delegated that authority to this Board. *See* 5 U.S.C. § 5514 (a)(2)(D)(2012). Without such authority, we cannot conduct the hearing that claimant is seeking and are required to dismiss this case as we had the earlier matter.

Accordingly, the matter is dismissed.

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RICHARD C. WALTERS  
Board Judge