

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

August 4, 2000

GSBCA 15284-RELO

In the Matter of HERBERT J. RATZBURG

Herbert J. Ratzburg, N. Las Vegas, NV, Claimant.

Charles N. Stockwell, Travel Branch, Directorate of Travel and Vendor Pay, Defense Finance and Accounting Service, Denver, CO, appearing for Department of Defense.

NEILL, Board Judge.

Claimant asks that we reconsider our decision of July 5, 2000, in which we denied his claim for interest on the payment of relocation claims which, due to agency mishandling, were not paid in a timely fashion.

Mr. Ratzburg undertook a permanent change of station move in late 1995. The payments for which he sought interest were two. The first was in the amount of \$963.47 while the second was for \$1569.13. Neither payment was made before mid-1999. Given the delay, Mr. Ratzburg, by memorandum dated September 17, 1999, demanded that his agency pay interest on these amounts which were long overdue. Although the agency admitted that it had processed Mr. Ratzburg's claims incorrectly, it nevertheless denied the claim for interest on the ground that it lacked the authority to make such a payment. At claimant's request, his agency, on March 27 of this year, submitted the claim to this Board for review. We affirmed the agency's denial.

Claimant now writes that he agrees with our decision that he is not entitled to interest but asks that we address an additional issue raised by him in an "addendum" to his claim. The submission to which he refers was filed with the Board on April 24, 2000. We understood this submission to be comments on the previously filed agency report. Pursuant to provisions in the Board's notice of docketing of March 28, 2000, the claimant was authorized to submit comments on this report provided he did so within thirty days of the date of docketing.

The comments filed by claimant on April 24 were of no direct relevance to the matter raised by him in his original claim for interest and already addressed in the agency report filed with the Board on March 27. Instead, the comments concerned a new dispute which has apparently arisen between claimant and his agency regarding a revised W-2 form for tax year 1996, which was issued to him after his receipt of the two payments on which he sought

payment of interest. We disregarded this new dispute as not yet ripe for adjudication by us and addressed only Mr. Ratzburg's claim to interest on the late payments made to him in 1999.

If Mr. Ratzburg and his agency are unable to resolve this subsequent dispute regarding the revised W-2, then the matter may be referred to this Board for settlement as was the earlier dispute regarding interest. Our original decision denying the claim for interest stands, however. We were, of course, aware of the emergence of a new area of disagreement between claimant and his agency even before we issued our decision on the interest claim. As we saw no reason then for delaying our decision because of this new dispute, so likewise, we do not view this unfortunate development as a reasonable basis for reconsidering that decision.

The request for reconsideration is, therefore, denied.

EDWIN B. NEILL
Board Judge