

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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April 10, 2001

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GSBCA 15515-RELO

In the Matter of DALE PUFFENBERGER

Dale Puffenberger, Covington, KY, Claimant.

Roberto J. Miranda, Director, Administrative Services, United States Agency for International Development, Washington, DC, appearing for United States Agency for International Development.

**BORWICK**, Board Judge.

This matter was forwarded to the Board by the Office of Personnel Management (OPM). By order of March 13, 2001, we asked the parties to address the question of the Board's jurisdiction to consider this matter under our delegated authority originating from 31 U.S.C. § 3702(a) (Supp. IV 1998). Specifically, we asked the parties to consider whether this claim involved relocation expenses incurred by a federal civilian employee incident to a transfer of official duty station, or whether the claim is covered by another law, the Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. § 3721 (1994). We referred the parties to our decision in Charles A. Miller, GSBCA 13679-RELO, et al., 97-1 BCA ¶ 28,865.

In response, in a letter dated March 13, claimant stated that his letter which OPM forwarded:

was in fact a complaint about the actions and non-actions of [certain named federal employees] in assisting with a claim of damage and theft to my shipment [of household goods]. As a result of their failure to provide information and respond to my questions, lying about actions that they did take, and denying my request for an extension after almost a year of misleading me about the conditions for granting same, I have filed [two] actions in State and Federal Courts.

If my interpretation of [Board] Rule 401(b)(1) and (b)(2) is correct there is no basis for filing a claim with the Board as my case concerns damage and theft and not expenses incurred. Please advise me if you concur.

The agency has also filed a motion to dismiss for lack of jurisdiction.

Both claimant and the agency are correct that this matter is not within the Board's jurisdiction, since the matter relates to a claim for loss or damage of property and not to a claim for relocation expenses. Charles A. Miller. This matter is dismissed.

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ANTHONY S. BORWICK  
Board Judge