

**Board of Contract Appeals**  
General Services Administration  
Washington, D.C. 20405

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October 31, 2002

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GSBCA 15894-RELO

In the Matter of FLORENCE H. DOSH

Florence H. Dosh, Proctor, MN, Claimant.

Lt. Col. Randal A. Overby, Comptroller, 148th Fighter Wing, Minnesota Air National Guard, Duluth, MN, appearing for Department of Defense.

**BORWICK**, Board Judge.

Claimant seeks reconsideration of our decision in Florence H. Dosh, GSBCA 15894-RELO (Aug. 12, 2002). There we held that the agency correctly calculated claimant's relocation income tax allowance (RITA) using the appropriate tax withholding rate percentages prescribed by the Joint Travel Regulations (JTR).

In her reconsideration motion, claimant raises a new argument not presented initially-that the agency (and this Board) discriminated against claimant "for [her] association with a person with a disability" because it did not allow claimant to include her spouse's social security disability payments as a component of earned income for the purposes of the RITA calculation. Claimant relies on the federal sector equal employment opportunity regulations at 29 CFR Pt. 1614 (2001).

In our original decision, we discussed at length the methodology for calculating the RITA. We presume familiarity with our original decision and we will not repeat that discussion here. The only issue now before us is whether the agency erred in not including the social security disability payments to claimant's spouse as a component of earned income when calculating the RITA.

The agency did not commit error, rather it followed the JTR. The JTR at C16002A and C16008D simply do not include social security disability payments as earned income. Patricia L. Reilly, GSBCA 15734-RELO, 02-2 BCA ¶ 31,866; W. Don Wynegar, GSBCA 15602-RELO, 01-2 BCA ¶ 31,563.

Part 1614 of 29 CFR prescribes a comprehensive inter-agency system for processing equal employment opportunity discrimination claims. We lack jurisdiction over claimant's discrimination claims, since our jurisdiction does not extend to claims covered by "another"

law. 31 U.S.C. § 3702; Charles A. Miller, GSBCA 13679-RELO, 13859-RELO, 97-1 BCA ¶ 28,865.

Claimant's motion for reconsideration is denied.

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ANTHONY S. BORWICK  
Board Judge