

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

October 6, 2003

GSBCA 16248-RELO

In the Matter of STEVEN G. NAGY

Steven G. Nagy, Eggertsville, NY, Claimant.

Diane Eggert, Staff Accountant, Travel Policy, Office of Financial Policy, Department of Veterans Affairs, Washington, DC, appearing for Department of Veterans Affairs.

DANIELS, Board Judge (Chairman).

On August 12, 2003, Steven G. Nagy submitted an "intent to file claim" regarding a determination made by his employer, the Department of Veterans Affairs, on his request for relocation benefits. Mr. Nagy had sold a property he owned at the duty station from which he had been transferred, and the agency had reimbursed him for only a portion of his sales expenses because it believed he had used only a portion of the property as his residence.

After docketing the submission as a case, the Board asked Mr. Nagy about its nature. We noted that the submission not only was called an "intent to file claim," rather than a request for Board review of an agency determination on a claim, but also stated, "I am requesting additional time to develop this claim." In addition, we noted that the filing did not comply with the prerequisites of Board Rule 402(a)(1), 48 CFR 6104.2(a)(1) (2002), in that it did not describe the basis for a claim. It did not explain when Mr. Nagy was transferred to a new duty station, the facts relevant to the dispute, or the amount sought, and it did not include any pertinent document.

In light of the tentativeness of the submission, we suspended the normal requirement for an agency response and asked Mr. Nagy to provide complete information regarding his intention no later than September 22, 2003. We cautioned that if he did not provide this information by September 22, we would dismiss the case as prematurely docketed. Mr. Nagy received our letter on September 6.

We did not receive anything from Mr. Nagy by September 22, as required. For the past two weeks, we have made numerous attempts to contact him by telephone to alert him to the need to make a prompt filing if he desired to proceed with the case. We have been unable to reach him.

In accordance with our instructions, because Mr. Nagy has submitted only an "intent to file claim," and not a request for Board review of an agency determination on a claim, we dismiss this case as prematurely docketed. If Mr. Nagy ever desires Board review of an agency determination as to his relocation benefits, he may seek it at a later date – provided, of course, that the underlying claim meets the timeliness requirements of 31 U.S.C. § 3702(b) (2000).

STEPHEN M. DANIELS
Board Judge