

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

November 4, 2004

GSBCA 16427-RELO

In the Matter of GISELE N. WENTLING

Gisele N. Wentling, Dulles, VA, Claimant.

Paul B. Dean, Office of the Legal Adviser, Department of State, Washington, DC,
appearing for Department of State.

GOODMAN, Board Judge.

Claimant, Gisele N. Wentling, is an employee of the Department of State. During her permanent change of station move, she received only a partial shipment of her household effects (HHE) to her new duty station and thereafter requested the agency to forward the remainder to her. When the agency did not comply with her request, she filed this case requesting the Board to compel the agency to ship the remainder of the HHE to her.

After this case was filed, the agency shipped the remainder of claimant's HHE to claimant's new duty station and submitted evidence to this Board that delivery was accomplished and claimant received the delivery. The agency asked claimant to sign a joint notice of withdrawal of the claim. Claimant has refused to sign the notice.

We dismiss this case for two reasons. This Board has jurisdiction to settle claims involving expenses incurred by federal civilian employees in connection with relocation to a new duty station. 31 U.S.C. 3702(a)(3) (2000); Board Rule 401(b)(2) (48 CFR 6104.1(b)(2) (2003)). Claimant did not assert a claim involving expenses that she incurred, but sought a determination of this Board to compel the agency to ship her HHE. We do not have the authority to compel an agency to perform an action in connection with an employee's relocation other than making a monetary payment.

Additionally, when a claimant refuses to withdraw his claim after the agency has satisfied the claimant's request, we have held that there is no longer a live dispute to decide and have dismissed the case as moot. See, e.g., William R. Thygerson, GSBCA 15244-RELO, 00-2 BCA ¶ 30,963, reconsideration denied, 01-1 BCA ¶ 31,283.

Accordingly, this case is dismissed.

ALLAN H. GOODMAN
Board Judge