

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

November 28, 2000

GSBCA 15395-TRAV

In the Matter of DAROLD WARD

Dennis E. Lind of Datsopoulos, MacDonald & Lind, P.C., Missoula, MT, appearing for Darold Ward, Missoula, MT, Claimant.

Pete Rockx, Chief, Employee and Labor Relations, Department of Agriculture, Rosslyn, VA, appearing for Department of Agriculture.

GOODMAN, Board Judge.

Claimant, Dr. Darold Ward, is an employee of the Department of Agriculture. In 1997, the agency determined that it had paid claimant \$276.44 more than it should have in reimbursement for expenses he contended he had incurred while traveling on official business. Claimant requested the agency to forward to this Board his request for review of the determination, but the agency did not do so.

In 1998, claimant initiated an administrative grievance regarding several administrative matters, including the agency's failure to forward to the Board the request for review of the travel expense determination. Two years later, a grievance examiner issued a recommended decision on the matters raised. One of the recommendations was that the agency forward the 1997 request to this Board.

Shortly after the examiner's report was issued, claimant, through counsel, filed with us what was styled as an "appeal" of the recommended decision. The Board does not have general authority to review grievance examiners' determinations, and we have no charge to consider any of the issues mentioned in the recommended decision other than the claim for travel expenses. Our jurisdiction, relevant to the "appeal," is only to settle claims involving expenses incurred by federal employees for official travel and transportation. 31 U.S.C. § 3702(a)(3) (Supp. IV 1998). Accordingly, we consider claimant's filing to be a request that we review the agency's determination that the agency overpaid the employee \$276.44 for expenses he claimed.

By memorandum dated September 22, 2000, the agency's Director of Financial Resources authorized its Operations Branch to refund to the claimant the amount claimant seeks. This Board inquired from claimant as to whether he wished the case dismissed, in view of the agency's refund. Claimant's counsel responded by sending the Board a copy of

his letter dated October 19, 2000, to the agency, stating that claimant could not agree to dismiss the appeal, and stating further:

[The agency's] original accusations were inappropriate and inaccurate. . . . [Claimant] was entitled to substantially greater reimbursement than was ever claimed. The [agency] audit conducted is plagued with inaccuracies, inconsistencies and mistakes. [Claimant] was required to expend an enormous amount of his personal time and funds to respond to and rebut these false accusations. . . .

Accordingly, it is [claimant's] position that at a minimum he is entitled to compensatory time reimbursement and to costs and fees in defending himself for an unwarranted and unjustified agency action. [His] attorney's fees alone are now in excess of \$8,000.

As explained above, the Board has no authority to generally review prior agency action or consider claims for reimbursement for personal time expended in defending agency action, attorney's fees, and costs that were never claimed. The agency has agreed to pay claimant the amount of the remaining travel expenses at issue. There is no other issue before this Board for review. Accordingly, we dismiss this case.

ALLAN H. GOODMAN
Board Judge