

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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January 31, 2003

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GSBCA 15928-TRAV

In the Matter of CAROL A. CHRISTIANSON

Carol A. Christianson, Bismarck, ND, Claimant.

William M. Pratt, Assistant Director for Administration, National Appeals Division, Department of Agriculture, Alexandria, VA, appearing for Department of Agriculture.

**PARKER**, Board Judge.

Carol A. Christianson, a Hearing Officer employed by the National Appeals Division of the Department of Agriculture, asks the Board to review her agency's denial of a claim for reimbursement of mileage costs incurred in connection with Ms. Christianson's duties. She alleges that the agency used a method to compute her reimbursement that was inconsistent with the guidance provided in the Federal Travel Regulation (FTR). The agency moves the Board to dismiss the matter for lack of jurisdiction because Ms. Christianson is an employee covered by a collective bargaining agreement that provides a grievance procedure which is the exclusive administrative means for resolving this dispute.

We agree with the Department of Labor that the Board lacks jurisdiction in this matter. Under the Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1111 (1978) (codified as amended in scattered sections of the United States Code), where a collective bargaining agreement provides procedures for resolving grievances which are within the scope of the agreement, and the agreement does not explicitly and unambiguously exclude the disputed matter from these procedures, the procedures are the exclusive administrative means for resolving the dispute. In such cases, the Board lacks jurisdiction to consider the matter. Mona Lisa Dogans, GSBCA 15861-TRAV (Sept. 6, 2002); Claudia J. Fleming-Howlett, GSBCA 14236-RELO, 98-1 BCA ¶ 29,534. An exception exists for situations in which the matter at issue is specifically provided for by Federal statute; in such cases the matter is considered not to be one involving a condition of employment subject to the grievance procedures in the collective bargaining agreement and, thus, would be subject to Board jurisdiction. Id.; 5 U.S.C. § 7103(a)(14)(2000).

Here, the collective bargaining agreement provides a general grievance procedure that does not exclude matters relating to federal travel. Collective Bargaining Agreement between USDA/National Appeals Division and AFSCME Council 26, AFL-CIO Local

3020, at 41-48 (Apr. 8, 2002). Because of this, and because the matter at issue is not one specifically provided by federal statute -- the dispute concerns the interpretation of the FTR provisions governing the use of privately-owned vehicles for official travel -- the Board lacks jurisdiction to review Ms. Christianson's complaint.

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ROBERT W. PARKER  
Board Judge