

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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March 20, 2003

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GSBCA 16005-TRAV

In the Matter of EDMUND J. WIATR, JR.

Edmund J. Wiatr, Jr., Utica, NY, Claimant.

Cynthia C. Cummings, Senior Associate Counsel, Defense Finance and Accounting Service, Columbus Center, Columbus, OH, appearing for Department of Defense.

**PARKER**, Board Judge.

Edmund J. Wiatr, Jr. has asked the Board to review the Department of Defense's (DoD's) decision that he was not entitled to interest on the amount reimbursed to Mr. Wiatr in connection with temporary duty travel performed in September 2002. We dismiss this case for lack of jurisdiction because Mr. Wiatr is an employee covered by a collective bargaining agreement that provides a grievance procedure which is the exclusive administrative means for resolving this dispute.

Under the Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1111 (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, 02-2 BCA ¶ 32,000; 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 applicable collective bargaining agreement between the agency and the American Federation of Government Employees provides a general grievance procedure that does not exclude matters relating to federal travel. Because of this, and because the matter at issue is not one specifically provided by federal statute -- the dispute concerns the extent to which Mr. Wiatr complied with the procedures established in DoD's Financial

Management Regulation for obtaining interest on travel claims -- the Board lacks jurisdiction to review Mr. Wiatr's claim.

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ROBERT W. PARKER  
Board Judge