

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

March 31, 2005

GSBCA 16396-RELO

In the Matter of TIMOTHY PETER BAKER

Timothy Peter Baker, Raleigh, NC, Claimant.

Edward T. Nasalik, Executive Director, Heartland Finance Center, General Services Administration, Kansas City, MO, appearing for General Services Administration.

HYATT, Board Judge.

In a letter filed with the Board on January 21, 2005, claimant, Timothy Peter Baker, requested the Board to reconsider its decision dated November 2, 2004. The Board's rules require that such a request be submitted within thirty days of the date of the Board's decision. Under our rules, therefore, Mr. Baker should have submitted this request by December 2, 2005. 41 CFR 6104.7 (2003). Although the Board may, when it is appropriate, agree to entertain an untimely request for reconsideration, this is not such a case.

In early November 2004, the Board sent a copy of its decision by certified mail to the address provided by Mr. Baker, a post office box in Raleigh, North Carolina. In late November, the United States Postal Service returned the decision to the Board as unclaimed. Near the end of December, Mr. Baker called the Board's Clerk's office and asked if a decision had been issued in his case. The Clerk's office sent another copy of the decision to the same address, via regular mail. The envelope was postmarked December 29, 2004. Mr. Baker provided a copy of the envelope sent by the Board, with a stamp mark showing it to have been received by him on January 12, 2005, as part of his submission seeking reconsideration. He offered no explanation as to why the copy of the decision originally sent to him by certified mail was not claimed.

The Board has previously pointed out that failure to collect certified mail does not entitle a claimant to an extension of the Board's filing deadlines. *James T. Abbott*, GSBCA 15025-RELO, 01-2 BCA ¶ 31,446. Thus, claimant's request is untimely. *See id.*; *Brent A. Myers*, GSBCA 15466-RELO, 01-2 BCA ¶ 31,458; *Janice M. Gentile*, GSBCA 14457-RELO, 00-1 BCA ¶ 30,644. Claimant has not pointed to any mitigating circumstances that might excuse his failure to pick up his certified mail, or that might otherwise serve as an

appropriate reason for granting an exception to the rule and entertaining the request despite its untimeliness.

Finally, we note that Mr. Baker's request is inappropriate in any event. The decision issued by the Board simply agreed that, based on the orders issued, Mr. Baker was entitled to be reimbursed for the shipment of his household goods under the commuted rate system. The decision also recognized that the Federal Travel Regulation requires specific documentation to support such a claim. Such documentation was not evident in the materials submitted to the Board in support of the underlying claim. Claimant should submit to his agency another formal request for payment, including and identifying all documentation that he maintains satisfies the pertinent regulations. If the agency asserts that the documentation is insufficient to permit reimbursement under the commuted rate system, claimant may then seek review of that ruling by initiating a new case.

Decision

The request for reconsideration is denied as untimely.

CATHERINE B. HYATT
Board Judge