



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 19, 2012

CBCA 3083-RELO

In the Matter of VIVIAN N. RODRIGUEZ and GERALD T. ROY

Vivian N. Rodriguez and Gerald T. Roy, Miami, FL, Claimants.

Cathy Anzulis, Financial Management Service, Department of Health and Human Services, Rockville, MD, counsel for Department of Health and Human Services.

WALTERS, Board Judge.

This matter was presented to the Board by the agency, the Department of Health and Human Services, as a request for an advance ruling by the Board on claims submitted by two agency employees. The claims sought reimbursement as part of temporary quarters subsistence allowance (TQSE) for certain miscellaneous non-food expenses allegedly incurred by the employees. Subsequent to the matter's docketing, the agency advised that both employees wished to withdraw their claims. A letter to the Board from one of the two, Ms. Vivian Rodriguez, requested withdrawal of her claim from the Board's docket and commented on her lack of awareness of "how this matter could have gotten so far without my knowledge or consent."

The agency has inquired as to whether the Board might still provide "clarification on allowable subsistence expenses that can be reimbursed under TQSE," and expresses concern about a perceived conflict between two prior Board cases bearing on TQSE reimbursement. The Board has jurisdiction to provide an advance ruling on employee claims. 31 U.S.C. § 3529 (2006); *Linda S. Hall*, CBCA 2703-RELO, 12-1 BCA ¶ 35,011. Nevertheless, since there no longer is an employee claim to be considered, this matter must be dismissed for lack of jurisdiction. See *Mark J. Lumer*, CBCA 1079-TRAV, 08-1 BCA ¶ 33,819; *Alexander J. Qatsha*, GSBICA 15494-RELO, 01-1 BCA ¶ 31,364.

Decision

The matter is dismissed.

RICHARD C. WALTERS
Board Judge