



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 31, 2013

CBCA 3121-RELO

In the Matter of JOHN D. LINSCOTT

John D. Linscott, Modesto, CA, Claimant.

Diane Foose, Office of the Principal Legal Advisor, Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC, appearing for Department of Homeland Security.

DRUMMOND, Board Judge.

John Linscott is an employee of the Department of Homeland Security, Immigration and Customs Enforcement (agency). Mr. Linscott contest the agency's decision to seek repayment of \$15,053.17 for payments he received in connection with a permanent change of station. He also complains that the agency provided him incorrect advice concerning his appeal options. We dismiss this case for lack of jurisdiction because we have no authority to resolve it.

Mr. Linscott is a member of a collective bargaining unit whose actions are governed by the negotiated agreement between the American Federation of Government Employees and the agency. That agreement establishes the only administrative procedure available to bargaining unit employees for the processing and disposition of grievances other than specifically-excluded matters, and the relocation claim is not a specifically-excluded matter. Whether Mr. Linscott received incorrect advice concerning his appeal options is not material to this proceeding. *Robert Stanislaw*, CBCA 1503-RELO, 09-2 BCA ¶ 34,193. We lack authority to settle the claim using our administrative procedures. *Todd Maniscalki*, CBCA 2665-RELO, 12-1 BCA ¶ 34,981; *James R. Linder*, CBCA 2559-RELO, 12-1 BCA ¶ 34,973; *Michael F. Morley*, GSBICA 15457-RELO, 02-1 BCA ¶ 31,688 (2001).

This case is dismissed.

JEROME M. DRUMMOND
Board Judge