



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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February 20, 2018

CBCA 5075-RELO

In the Matter of HEDELIZA S. BALISI

Hedeliza S. Balisi, DPO Area Pacific, Claimant.

James E. Hicks, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Springfield, VA, appearing for Department of Justice.

**ZISCHKAU**, Board Judge.

Hedeliza S. Balisi, claimant, seeks reconsideration of our decision of November 30, 2016, granting in part her claim regarding liability for excess weight assessments determined by the agency. Although the agency originally computed claimant's liability at \$7381, during our proceedings it revised the debt amount to \$4650. We determined claimant's liability to be \$1042 based on a proper calculation of household goods (HHG) shipped to Germany and other HHG placed in non-temporary storage in Virginia. Claimant and agency counsel received a copy of our decision by email on December 1, 2016. On December 2, 2016, claimant sent a reply email (to the Board representative who had emailed the decision to the parties), stating: "Please give instructions on how to submit an appeal. I still disagree on [how the Board computed net weight for the non-temporary storage HHG]." The Board's deputy chief counsel sent an email response to claimant, with a copy to agency counsel, on December 12, 2016, stating in relevant part:

Under the Board's Rules of Procedure pertaining to claims for travel and relocation expenses, a party that disagrees with the Board's decision concerning such a claim may file a request for reconsideration. Those Rules are available through our website, <http://www.cbca.gov/>, under the How to File tab, and Rule 407 provides specific instructions for requesting reconsideration of a decision, as well as the time limits and grounds for doing so. There are, however, no provisions for filing an appeal. The Federal Circuit, our appellate authority, has held that it has no jurisdiction to hear

appeals [of Board decisions] concerning civilian employee federal travel and relocation claims.

Agency counsel confirms timely receiving this December 12, 2016, email from the Board. Claimant states that she never received the email. It should be noted that, following her email inquiry of December 2, 2016, claimant made no follow-up until February 4, 2018, and she did not file a request for reconsideration until February 7, 2018. Her recent interest was prompted no doubt by a January 8, 2018, demand letter from the agency requesting that claimant make payment of \$1042 as determined by the Board in its November 30, 2016, decision. Regardless of whether claimant received the Board's email response of December 12, 2016, advising her of the procedure for reconsideration under Board Rule 407, claimant was on notice of the Board's rules of procedure for her case when she received the Board's docketing notice shortly after she filed her claim with the Board. In addition, the Board's rules of procedure are also available to the public and parties on the Board's website.

On these facts, the claimant's request for reconsideration is untimely by approximately one year. Even if we were to reach the merits of her request for reconsideration, we would nevertheless deny reconsideration because the record indicates that there was no padding or interior bracing for the non-temporary storage HHG as determined by the storage vendor when it conducted the more recent re-weighs. Thus, we determined that there was no basis for applying the 85% net weight adjustment for calculating the net weight of the non-temporary storage HHG.

Claimant's request for reconsideration is dismissed.

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JONATHAN D. ZISCHKAU  
Board Judge