



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 13, 2009

CBCA 1503-RELO

In the Matter of ROBERT STANISLAW

Robert Stanislaw, Ashburnham, MA, Claimant.

Sarah Schuh, Office of General Counsel, Federal Bureau of Prisons, Department of Justice, Washington, DC, appearing for Department of Justice.

DRUMMOND, Board Judge.

Mr. Robert Stanislaw, an employee of the Federal Bureau of Prisons (agency), asks that we review his agency's denial of his request for a waiver of repayment of \$8253, for relocation costs and travel advance in connection with a position which he declined to accept due to personal reasons. Mr. Stanislaw chose to decline the position after receiving an appraised value offer for his home which according to him would have resulted in a loss of \$27,000.

The agency has moved to dismiss this case. The agency contends that we are without jurisdiction to settle this matter because Mr. Stanislaw is a member of a collective bargaining unit and resolution of his claim is exclusively subject to the collective bargaining agreement between the agency and the claimant's union. Mr. Stanislaw, while conceding that he is a member of a collective bargaining unit, asserts that the agency should have waived the debt since he declined the position due to extreme financial hardship. He also complains that the agency provided him incorrect advice concerning his appeal options.

Whether Mr. Stanislaw received incorrect advice concerning his appeal options is not material to this proceeding. If a claim concerning travel or relocation expenses is subject to resolution under the terms of a grievance procedure mandated within a collective bargaining agreement, we lack authority to settle the claim using our administrative procedures unless

the agreement explicitly and clearly excludes the claim from its procedures. *Margaret M. Lally*, CBCA 791-TRAV, 07-2 BCA ¶ 33,713; *Carla Dee Gallegos*, GSBCA 14609-RELO, 99-1 BCA ¶ 30,300.

There is no evidence or any indication that Mr. Stanislaw's claim is specifically excluded from the agreement's grievance procedures. In fact, Mr. Stanislaw himself, in opposing the motion to dismiss, acknowledges that he has contacted his union on several occasions concerning this dispute. He has acted wisely, since we lack authority to settle the claim using our administrative procedures. *Michael F. Morley*, GSBCA 15457-RELO, 02-1 BCA ¶ 31,688 (2001).

Moreover, we do not have authority to waive repayment of claimant's debt. The authority to waive a debt belongs to the head of the agency from which the debt arose, and not to us. *Sam Hankins*, CBCA 1309-RELO, 09-1 BCA ¶ 34,124; *Helene Mikes*, GSBCA 15374-RELO, 00-2 BCA ¶ 31,138. Therefore, even if resolution of the matter in dispute were not subject to the provisions of the collective bargaining agreement, we would not be able to address this matter. *Morley*.

The agency's motion is granted. This case is dismissed.

JEROME M. DRUMMOND
Board Judge

