



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 27, 2016

CBCA 5296-RELO

In the Matter of JERALD LUCAS

Jerald Lucas, Weston, FL, Claimant.

Sofia Luiña, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, appearing for Department of Justice.

CHADWICK, Board Judge.

Jerald Lucas is an employee of the Drug Enforcement Administration (DEA). He alleges that in 2011, the agency approved an incentive payment to him of \$74,153.25, to be paid over three years. Mr. Lucas says the DEA did not make the final payment of \$24,757.15 in 2014, and that it has “effective[ly] denied [his] claim” for that amount by not responding after he “questioned DEA Human Resources about [the] final payment.” He filed a request for review on April 27, 2016.

We lack authority to act in this matter for at least two reasons. First, “[t]he Director of the Office of Personnel Management [OPM],” not this Board, is authorized to “settle claims involving Federal civilian employees’ compensation and leave.” 31 U.S.C. § 3702(a)(2) (2012). In response to a letter from the Board, Mr. Lucas argued that his “claim is for relocation expenses/incentive pay not received, and most important, it is a contractual dispute, as I have a binding contract . . . authorizing the payment(s).” However, while the incentive pay appears to have been related to a transfer, there is no indication that the agency promised, or that Mr. Lucas sought, reimbursement of relocation expenses. Even federal pay that is explicitly designated “[a] relocation bonus is not a relocation expense; it is instead a form of employee compensation, so claims for such a bonus are within the purview of

[OPM], not the Board.” *Robin D. Hibler*, CBCA 4852-RELO, 15-1 BCA ¶ 36,083, at 176,182. This is certainly also true of incentive pay. Notwithstanding Mr. Lucas’s allegation of a contract, his claim undoubtedly “involv[es]” his “compensation” and thus is entrusted by 31 U.S.C. § 3702(a)(2) to the OPM Director to settle.

Second, even if this claim were for relocation expenses, we could not act in the absence of a decision on the claim by the DEA. Board Rule 401(c) (48 CFR 6104.401(c) (2012)) states that “[a]ny claim for entitlement to travel or relocation expenses must first be filed with the claimant’s own department or agency (the agency). The agency shall initially adjudicate the claim.” As Mr. Lucas does not indicate that he submitted a written claim for the \$24,757.15 to the DEA, or that the DEA adjudicated such a claim, we could not settle the claim at this time, even if the first barrier to our doing so did not exist. *See Donald L. Baker*, CBCA 3439-RELO, 14-1 BCA ¶ 35,728, at 174,894.

An employee must submit a claim for compensation or leave to OPM “or [to] the agency that conducts the activity from which the claim arises within 6 years after the claim accrues.” 31 U.S.C. § 3702(b)(1). The applicable regulations are in part 178 of title 5 of the Code of Federal Regulations. We have discretion to transfer Mr. Lucas’s claim to OPM, but we decline to do so, in the absence of evidence that Mr. Lucas has presented a claim to the DEA, or that the six-year statutory time limit for doing so is nearing its end.

Decision

The claim is dismissed.

KYLE CHADWICK
Board Judge