



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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February 7, 2017

CBCA 5526-RELO

In the Matter of CAROL A. HEIDSIEK

Carol A. Heidsiek, Honolulu, HI, Claimant.

Karen M. Kennedy, Acting Chief, Real Estate Branch, United States Army Corps of Engineers, Department of the Army, Fort Shafter, HI, appearing for Department of the Army.

**O'ROURKE**, Board Judge.

On September 2, 2016, claimant, Carol A. Heidsiek, submitted a claim to the agency in the amount of \$4605.17 for reimbursement of real estate expenses pursuant to her permanent change of station (PCS) move from California to Hawaii. In a memorandum dated September 14, 2016, the agency approved only \$2872.67 of the total claim, explaining that the Joint Travel Regulations did not permit payment of certain expenses that she claimed. On October 24, 2016, claimant requested review of the agency's decision to deny payment of those expenses.

The agency filed its response to the claim on January 5, 2017. In its letter to the Board, the agency stated that the parties had settled the matter and "agreed that the pending claim may be marked as withdrawn." The agency representative signed the letter. Claimant did not sign it, but was copied on the letter and purportedly received it by electronic mail message. On January 13, 2017, the Board issued an order to the parties, requesting claimant's confirmation of the settlement and her desire to withdraw the claim. The order also advised, "if claimant does not respond to this order by January 27, 2017, the Board will close the record and dismiss the claim based upon the agency's representations that the case has been settled."

Claimant has not responded to the order. In a previous case where an employee failed to respond to the Board's order requesting confirmation that the case had settled, the Board dismissed the employee's claim as moot, stating, "[W]ithout any challenge . . . to the agency's representations, we have no basis for proceeding with this matter." *Ruth C. Rodriguez*, CBCA 5152-RELO, 16-1 BCA ¶ 36,276, at 176,930.

Based upon the uncontested representations that the claim has settled to the satisfaction of both parties, we dismiss Ms. Heidsiek's claim as moot.

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KATHLEEN J. O'ROURKE  
Board Judge