



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 5, 2019

CBCA 6536-RELO

In the Matter of GREGORY BILLINGS

Gregory Billings, Sierra Vista, AZ, Claimant.

Paul D. Carlson, Counsel, Legal Office, Army Contracting Command, Department of the Army, Redstone Arsenal, AL, appearing for Department of the Army.

HYATT, Board Judge.

Gregory Billings, claimant, requested that the Board review the failure of the Department of the Army (agency) to pay him relocation benefits upon his transfer to a new duty station in 2013 to Arizona, following his acceptance of a new position within Army Contracting Command. Mr. Billings did not submit a claim to the agency for reimbursement of specific costs; instead, Mr. Billings seeks review of the agency's refusal to issue a travel authorization prior to his relocation providing for the relocation benefits to which he asserts he was entitled.

The agency seeks to dismiss Mr. Billings's claim, asserting that the Board cannot consider the matter because the agency has not received or adjudicated a claim from Mr. Billings. The agency also argues that Mr. Billings's claim is beyond the six-year statute of limitations for such claims. 31 U.S.C. § 3702(b)(1) (2012).

Claims filed with the Board that have not been adjudicated by the agency are typically dismissed as premature under Rule 401 (48 CFR 6104.401 (2018)). *See Michael P. Strand*, CBCA 5776-TRAV, 18-1 BCA ¶ 36,993, at 180,161. Even when the challenged action is a refusal by the agency to pay relocation benefits required by statute, the federal employee must make a claim for incurred costs before seeking the Board's review of the disputed

matter. *See Paul E. Guelle*, CBCA 5072-RELO, 16-1 BCA ¶ 36,274, at 176,927-28; *James Daves*, GSBCA 14601-RELO, 99-1 BCA ¶ 30,286 at 149,800; *Beverly J. Orr*, GSBCA 13928-RELO, 98-1 BCA ¶ 29,675, at 146,986. Mr. Billings was on notice that a claim must be presented to the agency prior to filing with the Board because of a prior dismissal by the Board. *Gregory Billings*, CBCA 6456-RELO, slip op. at 1 (May 13, 2019).

The matter is dismissed as premature. Accordingly, the Board does not address the other matters addressed by the agency.

Catherine B. Hyatt
CATHERINE B. HYATT
Board Judge