



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

December 7, 2020

CBCA 6960-RELO

In the Matter of JAMES E.

James E., Claimant.

James Barnes, Relocation Specialist, Federal Employees Relocation Center, Environmental Protection Agency, Cincinnati, OH, appearing for Environmental Protection Agency.

KULLBERG, Board Judge.

Claimant, James E., submitted to the Board his claim for costs related to his transfer to a new duty station. The claim was docketed on October 29, 2020. Upon subsequent review of this matter, the Board has learned that claimant is a uniformed member of the commissioned corps of the Public Health Service (PHS). Statute provides that “[t]he Administrator of General Services shall settle claims involving expenses incurred by Federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official duty station.” 31 U.S.C. § 3702(a)(3) (2018). The Administrator of General Services has delegated that statutory authority to settle those claims to this Board. *See* Rule 401(a) (48 CFR 6104.401(a) (2019)).¹

The Board cannot proceed with the hearing of this matter because claimant is not a Federal civilian employee, but rather, he is a member of the uniformed services, which include the “Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and [PHS].” 37 U.S.C. § 101(3). The Secretary of Defense is responsible for the settlement of “claims involving uniformed service members’ pay,

¹ The most recent delegation of authority by the Administrator of General Services is set forth in ADM P 5450.39D, chapter 19 (Oct. 16, 2020).

allowances, travel, [and] transportation.” 31 U.S.C. § 3702(a)(1)(A). This Board’s predecessor for deciding travel and relocation cases, the General Services Board of Contract Appeals (GSBCA), recognized that when a uniformed member of the PHS submits a claim for travel or relocation expenses, the matter should be dismissed and transferred to the Department of Defense for resolution. *See Alan L. Petersen*, GSBCA 14146-TRAV, 98-1 BCA ¶ 29,605.

Decision

This matter is dismissed. The Board will transfer this matter to the Department of Defense.

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge