



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 16, 2020

CBCA 6731-RELO

In the Matter of JOSHUA W. HUGHES

Joshua W. Hughes, Fort Peck, MT, Claimant.

Tracey Z. Taylor, Jesse C. Lee, and Catharine S. DeBelle, Assistant Center Counsel, United States Army Corps of Engineers, Alexandria, VA; and Anne M. Schmitt-Shoemaker, Deputy Director, Finance Center, United States Army Corps of Engineers, Millington, TN, appearing for Department of the Army.

LESTER, Board Judge.

On February 3, 2020, Joshua W. Hughes filed what he titled a “[s]ubmission made under protest due to denial of due process right by” the United States Army Corps of Engineers Finance Center (USACE). The Clerk of the Board docketed that submission as CBCA 6731-RELO.

In his submission, Mr. Hughes represents that, pursuant to 5 U.S.C. § 5514 (2018) (section 5514), he wants “to reserve [his] right to file a petition for a hearing to contest” a relocation expense debt of \$674.41 identified in USACE debt collection letters dated December 12, 2019, and January 3, 2020.¹ He asserts that he cannot currently file a proper petition because the USACE has refused to provide him with records that he has requested, arguing that the USACE has “refused to comply with their debt notice and the debt collection

¹ The debt at issue here is in addition to and distinct from the debt that Mr. Hughes challenged in another claim before the Board in CBCA 6678-RELO, which we decided in a separate decision dated March 16, 2020.

regulations” pursuant to section 5514 and 5 CFR 550.1104 (2019). Mr. Hughes indicates that he has submitted an “urgent complaint” with the USACE Inspector General regarding the USACE’s refusal to provide records. In response, the USACE, in addition to representing that it has fully responded to Mr. Hughes’ requests, asks that we dismiss the petition for failure to state a claim.

We decide travel and relocation expense claims under 31 U.S.C. § 3702 (section 3702), which grants settlement authority over such claims to the Administrator of General Services, authority that the Administrator has delegated to the Board. Mr. Hughes alleges that the USACE has failed to comply with the document production provision of 5 U.S.C. § 5514(a)(2)(B), which allows individuals challenging debts subject to that statute “an opportunity to inspect and copy Government records relating to the debt.” We lack authority, however, to consider or review any matters, including document production issues, under section 5514, *see Joshua W. Hughes*, CBCA 4892-RELO, 16-1 BCA ¶ 36,201, at 176,656 (2015), and therefore cannot consider Mr. Hughes’ “protective” petition. We do not consider Mr. Hughes’ submission under our section 3702 authority because Mr. Hughes’ submission disclaims that he currently is seeking a decision on a relocation expense claim and, at most, purports to preserve a right to challenge a relocation expense debt at some point in the future. Our rules do not provide for any such “protective” submission.

We also lack any authority to involve ourselves in Mr. Hughes’ complaints about the Inspector General review process.

This matter is dismissed.

Harold D. Lester, Jr.
HAROLD D. LESTER, JR.
Board Judge