



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 7, 2024

CBCA 8033-DBT

In the Matter of YANEZKA B.

Yanezka B., Petitioner.

Kimberly I. Thayer, Office of General Counsel, National Tort Claims Center, General Services Administration, Kansas City, MO, appearing for General Services Administration.

VOLK, Board Judge.

This case was docketed by the Board after petitioner requested a hearing to review whether a proposed wage garnishment would cause her financial hardship. We dismiss the petition without prejudice.

Petitioner has failed to appear for scheduled telephonic conferences on several occasions. Specifically, petitioner has either failed to appear or failed timely to appear for telephonic conferences on May 2, May 9, and July 18, 2024.

Separately, we have raised questions relating to the ripeness of this petition for review by the Board, including with respect to whether there is a specific monetary wage garnishment amount that has been proposed and whether a “determination of the . . . agency,” 31 U.S.C. § 3720D(b)(5) (2018), has been made regarding the matter presented in this petition.

During the telephonic conference held on July 18, 2024, counsel for the General Services Administration (GSA) stated that GSA does not oppose dismissal of this petition without prejudice. Because petitioner failed to appear for the July 18, 2024, conference, we provided an opportunity for her to present her position in writing. In our July 19, 2024, order, we indicated that we were considering dismissing this petition without prejudice. We stated that if petitioner opposed dismissal of her petition without prejudice, she was required

to submit a written statement opposing dismissal to the Board no later than August 2, 2024. Petitioner has not submitted any document to the Board following our July 19, 2024, order. We therefore conclude that she does not oppose dismissal without prejudice.

Considering petitioner's repeated failure to appear for scheduled telephonic conferences, questions regarding the ripeness of the petition, and neither party's opposition to dismissal without prejudice, this petition is dismissed without prejudice.

Daniel B. Volk

DANIEL B. VOLK
Board Judge