



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

April 3, 2015

CBCA 3737-RELO

In the Matter of ROBERT E. SANDERS

Robert E. Sanders, Biloxi, MS, Claimant.

Thelma J. Strong, Chief Financial Officer, Forest Service, Department of Agriculture, Washington, DC, appearing for Department of Agriculture.

SULLIVAN, Board Judge.

By letter dated February 24, 2015, the Department of Agriculture, Forest Service, filed a request for reconsideration of the Board's decision, in *Robert E. Sanders*, CBCA 3737-RELO, 14-1 BCA ¶ 35,757. With its request, the agency seeks to provide additional information to the Board regarding the costs that the Board deducted from the agency's claim because the costs appeared to be unrelated to the relocation at issue. Because the agency's request is untimely, the Board denies the request for reconsideration.

The Board issued its decision on October 1, 2014. Pursuant to Board Rule 407 (48 CFR 6104.407 (2014)), the agency was required to seek reconsideration no later than October 31, 2014, thirty days after receipt of the Board's decision. On November 17, 2014, the agency filed a request for a thirty-day extension to review and respond to the Board's decision. Although the request for extension was itself untimely, if granted, the agency should have filed its request no later than November 30, 2014. The request for reconsideration is plainly untimely and the agency has provided no reason why it failed to file a timely request.

Moreover, the agency seeks reconsideration for the purpose of providing the Board more information about the portion of the claim that the Board determined the agency could not recover from Mr. Sanders because the Board could not discern how the costs deducted

were connected to the service agreement that Mr. Sanders did not fulfill. The Board, in an order dated August 1, 2014, requested that the agency explain the costs sought with the agency's claim and provide supporting documentation. The Board reviewed the materials that the agency submitted and still could not determine how the costs excluded were connected to the claim. The agency failed to explain the costs when provided an opportunity prior to the issuance of the Board's decision; the Board will not now consider the agency's explanation in an untimely reconsideration request.

Finally, the agency notes in its request that it now plans to seek to recover the costs incurred on Mr. Sanders' behalf in connection with a different service agreement executed in February 2010, for which Mr. Sanders failed to fulfill the last twenty-two days of his year-long commitment. Originally, in response to Mr. Sanders' appeal, the agency stated that it had decided to forego recovery of costs expended on Mr. Sanders' behalf on that other service agreement. Although the agency appears to have changed its mind, the agency does not appear to have advanced that claim against Mr. Sanders. The Board has no jurisdiction to consider this matter in the absence of an agency claim. 31 U.S.C. § 3702(a)(3).

Decision

The agency's request for reconsideration is denied.

MARIAN E. SULLIVAN
Board Judge