



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 9, 2010

CBCA 1868-RELO

In the Matter of GARY A. KLAUS

Gary A. Klaus, Dayton, WA, Claimant.

Terri L. Peterson, Realty Assistant, Real Estate Division, United States Army Corps of Engineers, Walla Walla, WA, appearing for Department of the Army.

STEEL, Board Judge.

Gary A. Klaus, claimant, a mechanic covered by a collective bargaining agreement, appeals the denial by the United States Army Corps of Engineers (USACE) of various real estate sale expenses incident to his permanent change of station (PCS).

Where a collective bargaining agreement provides procedures for resolving grievances which are within the scope of the agreement, and the agreement does not explicitly and unambiguously exclude the disputed matter from those procedures, the procedures are the exclusive administrative means for resolving the matter. *Margaret M. Lally*, CBCA 791-TRAV, 07-2 BCA ¶ 33,713; *Rolando J. Jimenez*, GSBCA 16570-TRAV, et al., 05-1 BCA ¶ 32,916; *Carla Dee Gallegos*, GSBCA 14609-RELO, 99-1 BCA ¶ 30,300. Claimant is a member of a collective bargaining unit whose actions are governed by the negotiated agreement between the United Power Trades Organization and the agency. That agreement establishes the only administrative procedure available to bargaining unit employees for the processing and disposition of grievances other than specifically-excluded matters, and the real estate sales claim is not a specifically-excluded matter. Consequently, we have no

authority to consider claimant's request. Claimant must use the agreement's procedures, not the Board's, for resolving his claim.

CANDIDA S. STEEL
Board Judge