



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 15, 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.

By decision dated March 16, 2020, we dismissed Joshua W. Hughes' petition asking us to preserve his right to challenge, under the authority of 5 U.S.C. § 5514 (2018) (section 5514), a debt collection letter from the United States Army Corps of Engineers (USACE), pending his receipt of documents that he had requested from the agency. *Joshua W. Hughes*, CBCA 6731-RELO, 20-1 BCA ¶ 37,556. Mr. Hughes filed a timely request for reconsideration of that decision, complaining (1) that we violated the Board's procedural rules by dismissing this matter before he filed a reply brief and (2) that he would have notified us in his reply that the USACE, in its response brief, had falsely indicated that it had produced all documents that Mr. Hughes had requested for use in his section 5514 challenge.

Mr. Hughes' complaints provide no basis for reconsideration. We lack authority to decide any matters associated with challenges under section 5514, whether that be the merits or related document production requests, absent a prior agreement with the agency in question to serve as its section 5514 hearing official. *Joshua W. Hughes*, CBCA 6678-RELO, 20-1 BCA ¶ 37,555. As a result, we lack authority to involve ourselves in Mr. Hughes' document production dispute. Further, although Board Rule 404 (48 CFR 6104.404

(2019)) generally allows a claimant to file a reply within thirty days of receiving an agency response to a claim, our lack of authority over section 5514 matters is well-established, and the fact that we decided this matter before Mr. Hughes submitted a reply brief did not prejudice him and provides no grounds for reconsideration. *See American Farm Lines v. Black Ball Freight Service*, 397 U.S. 532, 539 (1970) (“[I]t is always within the discretion of a court or an administrative agency to relax or modify its procedural rules adopted for the orderly transaction of business before it . . . except upon a showing of substantial prejudice to the complaining party.” (quoting *National Labor Relations Board v. Monsanto Chemical Co.*, 205 F.2d 763, 764 (8th Cir. 1953))).

Mr. Hughes’ request for reconsideration is denied.

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