



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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October 13, 2020

CBCA 6940-TRAV

In the Matter of SAMUEL C. PARSHALL

Samuel C. Parshall, Claimant.

Curtis C. Smith, Major, Judge Advocate, Office of the Staff Judge Advocate, Network Enterprise Technology Command, Department of the Army, Fort Huachuca, AZ, appearing for Department of the Army.

**LESTER**, Board Judge.

On October 6, 2020, claimant, Samuel C. Parshall, filed a document titled “Claimant’s Motion To Amend The Judgment Under [Federal Rules of Civil Procedure (FRCP)] Rule 59,” asking the Board to reverse its recent decision and reconsideration decision in *Samuel C. Parshall*, CBCA 6890-TRAV, slip op. at 3-6 (Sept. 22, 2020), *motion for reconsideration denied*, slip op. at 2 (Sept. 30, 2020), denying his travel claim. For administrative reasons, the Clerk of the Board filed the motion under a newly assigned docket number, CBCA 6940-TRAV. Despite the new docket number assignment, the motion seeks to change the result in CBCA 6890-TRAV.

As we explained in our first decision on Mr. Parshall’s travel claim, the FRCP do not apply to the Board’s consideration of travel and relocation expense matters. *Parshall*, slip op. at 2-3 n.1 (Sept. 22, 2020). In addition, nothing in the Board’s rules for travel and relocation expenses cases authorizes the type of motion to amend a decision or judgment that FRCP 59 contemplates. *Kevin T. Aubart*, CBCA 6938-TRAV, slip op. at 1 (Oct. 6, 2020). Although our rules permit a claimant to file a request for reconsideration of a travel or relocation expense decision, Rule 407 (48 CFR 6104.407 (2019)), Mr. Parshall has already sought reconsideration in CBCA 6890-TRAV, and the Board denied that request. *Parshall*,

slip op. at 2 (Sept. 30, 2020). The Board’s rules do not allow for seriatim reconsideration requests. *See* Rule 407 (permitting a claimant to file a single request for reconsideration); *see also Merritt-Chapman & Scott Corp.*, IBCA 240, 1962 BCA ¶ 3321 (“Additional proceedings for reconsideration could be repeated *ad infinitum* on every successive occasion of . . . a decision [denying reconsideration of a previously issued decision], if [a rule allowing for more than one reconsideration request] should be adopted.”). Even were we to consider Mr. Parshall’s motion, it would provide no basis for relief. As we noted in our reconsideration decision, “neither [temporary duty] travel expenses under [Federal Travel Regulation (FTR)] 301-10.300,” 41 CFR 301-10.300, “nor daily commuting costs are reimbursable elements of a [temporary change of station (TCS)]” within the employee’s local area, *see* FTR 302-3.412, “rendering Mr. Parshall’s effort to call his move a TCS of no consequence.” *Parshall*, slip op. at 1 (Sept. 30, 2020).

Mr. Parshall’s motion is denied.

Previously, before Mr. Parshall filed the motion discussed above, a colleague of Mr. Parshall’s, Kevin T. Aubart, had filed a similar motion on his own behalf and purportedly on behalf of Mr. Parshall and a third colleague, asking for “re-consideration or a new trial” under FRCP 59 of prior decisions on Mr. Aubart’s, Mr. Parshall’s, and the third colleague’s identical travel claims. In *Kevin T. Aubart*, CBCA 6938-TRAV, slip op. at 1 (Oct. 6, 2020), the Board denied as untimely Mr. Aubart’s motion as applied to Mr. Aubart himself, given that the motion was filed more than two years after decisions on Mr. Aubart’s travel claim were issued. As for Mr. Aubart’s attempt to seek relief upon Mr. Parshall’s behalf, although our rules, consistent with the authorizing statute, 31 U.S.C. § 3702(b)(1) (2018), permit a claimant asserting a travel claim to be represented by an attorney or another “authorized representative,” 48 CFR 6104.402(a)(1) (2019), we generally allow for a single official representative in a case, and Mr. Parshall, who has been representing himself in this travel claim matter, did not indicate that he intended to abdicate self-representation in favor of Mr. Aubart. Mr. Parshall’s intent to represent himself is confirmed by his submission of his own motion on October 6, 2020. We have not considered, and will not consider, Mr. Aubart’s motion.

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