

KEYWORDS: carrier/contractor claim; timeliness

DIGEST: Under the provisions of Department of Defense Instruction 1340.23, the Defense Office of Hearings and Appeals generally must receive a request for reconsideration of an appeal decision within 30 days of the date of issuance of the decision. This period may be extended for up to an additional 30 days if good cause is shown.

CASENO: 09030907

DATE: 3/11/2009

DATE: March 11, 2009

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In Re:		)
Stevens Forwarders, Inc.		)
		)
	Claims Case No.09030907	)
		)
Claimant		)
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**CLAIMS APPEALS BOARD  
RECONSIDERATION DECISION**

**DIGEST**

Under the provisions of Department of Defense Instruction 1340.23, the Defense Office of Hearings and Appeals generally must receive a request for reconsideration of an appeal decision within 30 days of the date of issuance of the decision. This period may be extended for up to an additional 30 days if good cause is shown.

**DECISION**

Stevens Forwarders, Inc., (Stevens) requests reconsideration of the January 26, 2009,

Appeal Decision of the Defense Office of Hearings and Appeals (DOHA) in DOHA Claim No. 08122405. In the decision, DOHA's adjudicators affirmed the initial decision of the Personnel Claims Branch of the U.S. Army Claims Service that the government had established a *prima facie* case of liability against Stevens for \$2,147.89 in transit damage to a member's household goods.

The Appeal Decision advised Stevens that it had the right to request a reconsideration of the decision, but that DOHA had to receive such a request within 30 days of the date of the Appeal Decision. DOHA also advised Stevens that the thirty-day deadline may be extended for up to an additional 30 days for good cause shown, if the request for extension of time is actually received within the original 30 days. Stevens' request for reconsideration of the Appeal Decision is dated February 27, 2009. The record contains no indication of a request for extension of time for Stevens to file its reconsideration request, and Stevens does not discuss its late response in its reconsideration request. Our Office received the request for reconsideration on March 9, 2009.

### **Discussion**

Under Department of Defense Instruction 1340.21 (Instruction), ¶ E7.13 (May 12, 2004), DOHA must receive a request for reconsideration within 30 days of the date of the appeal decision. DOHA may extend this period for up to an additional 30 days for good cause shown. No request for reconsideration may be accepted after this time has expired.

DOHA did not receive a request for reconsideration within 30 days of the date of the Appeal Decision. There is no record that DOHA received a request for an extension of time to file a request for reconsideration. The Board has no authority to reconsider the January 26, 2009, Appeal Decision. The request for reconsideration should have been received DOHA no later than February 25, 2009, and that did not occur.

### **Conclusion**

In accordance with ¶ E7.11 of the Instruction, the January 26, 2009, Appeal Decision is the final decision of the Department of Defense in this matter.

Signed: Michael D. Hipple

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Michael D. Hipple  
Chairman, Claims Appeals Board

Signed: William S. Fields

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William S. Fields  
Member, Claims Appeals Board

Signed: Catherine M. Engstrom

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Catherine M. Engstrom  
Member, Claims Appeals Board