

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of --)
)
Aerojet Solid Propulsion Company) ASBCA Nos. 44568 and 46057
)
Under Contract No. DAAA09-89-C-0599)

APPEARANCE FOR THE APPELLANT: Brian E. Sweeney, Esq.
Counsel
Aerojet Solid Propulsion Company
Sacramento, CA

APPEARANCES FOR THE GOVERNMENT: COL Michael R. Neds, JA
Chief Trial Attorney
MAJ Edward E. Beauchamp, JA
CPT Kenneth G. Wilson, JA
Trial Attorneys

OPINION BY ADMINISTRATIVE JUDGE TUNKS
ON APPELLANT'S MOTION FOR RECONSIDERATION

Appellant has moved for reconsideration of our decision in ASBCA Nos. 44568 and 46057. The Government moves to dismiss the motion as untimely. Under Board Rule 29, a motion for reconsideration must be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion. In computing any period of time, Board Rule 33 provides that the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day. Since appellant received a copy of the decision on 27 March 2000, the first day of the period began to run on 28 March 2000. Appellant did not file its motion for reconsideration until 27 April 2000, 31 days after it received a copy of the decision. Accordingly, appellant's motion for reconsideration is untimely.

The Government's motion to dismiss is granted.

Dated: 30 August 2000

ELIZABETH A. TUNKS
Administrative Judge
Armed Services Board
of Contract Appeals

I concur

I concur

MARK N. STEMLER
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

CARROLL C. DICUS, JR.
Administrative Judge
Acting Vice Chairman
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Opinion and Decision of the Armed Services Board of Contract Appeals in ASBCA Nos. 44568 and 46057, Appeals of Aerojet Solid Propulsion Company, rendered in conformance with the Board's Charter.

Dated:

EDWARD S. ADAMKEWICZ
Recorder, Armed Services
Board of Contract Appeals