

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
Commercial Energies, Inc. ) ASBCA No. 50316  
 )  
Under Contract No. N62472-88-D-0817 )

APPEARANCE FOR THE APPELLANT: Mr. Lewis R. Dodds  
President

APPEARANCES FOR THE GOVERNMENT: Arthur H. Hildebrandt, Esq.  
Navy Chief Trial Attorney  
Chuck Kullberg, Esq.  
Senior Trial Attorney  
Naval Facilities Engineering  
Command, Washington, DC

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

On 26 January 1998 the Board decided the appeal of *Commercial Energies, Inc.*, ASBCA No. 50316, 98-1 BCA ¶ 29,549. Appellant received that decision on 29 January 1998, and thereafter sought judicial review of that decision by the Court of Appeals for the Federal Circuit. On 10 March 1999 that court affirmed our decision in *Commercial Energies, Inc. v. Danzig*, 194 F.3d 1330 (Fed. Cir. 1999) (Table). On 4 October 1999 the U. S. Supreme Court denied *certiorari* in *Commercial Energies, Inc. v. Danzig*, 145 L.Ed.2d 54 (1999).

On 30 May 2000 appellant's President, Lewis R. Dodds, submitted a three-page letter requesting the Board to revisit its 26 January 1998 decision with respect to the calculation of the transportation cost adjustment. We treat that request as a motion for reconsideration. ASBCA Rule 29 provides that such "motion shall be filed within 30 days from the date of receipt of a copy of the decision of the Board by the party filing the

motion.” Mr. Dodds’ motion was filed 852 days after appellant received the decision for which it seeks reconsideration. We deny the motion.

Dated: 1 June 2000

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DAVID W. JAMES, JR.  
Administrative Judge  
Armed Services Board  
of Contract Appeals

I concur

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MARK N. STEMLER  
Administrative Judge  
Acting 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 No. 50316, Appeal of Commercial Energies, Inc., rendered in conformance with the Board's Charter.

Dated:

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