

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
KAMP Systems, Inc. ) ASBCA No. 54253  
 )  
Under Contract No. F41608-97-D-0862 )

APPEARANCE FOR THE APPELLANT: Mr. Mel McCullough  
Secretary/Treasurer

APPEARANCES FOR THE GOVERNMENT: E. Michael Chiaparas, Esq.  
Chief Trial Attorney  
Carol L. Matsunaga, Esq.  
Senior Trial Attorney  
Srikanti Dixit, Esq.  
Trial Attorney  
Defense Contract Management Agency  
Carson, CA

OPINION BY ADMINISTRATIVE JUDGE SCOTT  
ON RECONSIDERATION

Appellant has timely moved for reconsideration of the Board's 22 September 2008 decision on the government's motion to strike appellant's revised complaint. *KAMP Systems, Inc.*, ASBCA No. 54253, 2008 ASBCA LEXIS 5607. The government opposes.

We set forth the standard required for reconsideration in our 5 December 2007 decision in *KAMP Systems, Inc.*, ASBCA No. 55317, 08-1 BCA ¶ 33,748 at 167,062:

The standard for reconsideration is whether the motion presents newly discovered evidence not previously reasonably available to the moving party, errors in our fact findings, or legal theories the Board failed to consider. *See Management Resource Associates, Inc.*, ASBCA Nos. 49457, 50866, 04-1 BCA ¶ 32,491 at 160,723; *ITT Avionics Division*, ASBCA No. 50403 *et al.*, 03-2 BCA ¶ 32,378 at 160,214.

Appellant's motion re-argues matters already resolved by the Board in that decision in ASBCA No. 55317, which the Board dismissed for lack of jurisdiction. Appellant did not appeal the Board's decision; the time for appeal has passed; and that decision is final. *See* 41 U.S.C. § 607(g)(1)(A).

Appellant's motion also re-argues matters which the Board resolved in its 22 September 2008 decision in ASBCA No. 54253, at issue. Appellant does not present any newly-discovered evidence, errors in the Board's fact findings, or legal theories that the Board failed to consider in reaching its 22 September 2008 decision.

DECISION

Appellant's motion for reconsideration is denied.

Dated: 20 November 2008

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CHERYL L. SCOTT  
Administrative Judge  
Armed Services Board  
of Contract Appeals

I concur

I concur

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

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EUNICE W. THOMAS  
Administrative Judge  
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 No. 54253, Appeal of KAMP Systems, Inc., rendered in conformance with the Board's Charter.

Dated:

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CATHERINE A. STANTON  
Recorder, Armed Services  
Board of Contract Appeals