

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
Mongiovi & Son ) ASBCA No. 59013  
 )  
Under Contract No. W911WN-10-C-0016 )

APPEARANCE FOR THE APPELLANT: Lawrence J. Sklute, Esq.  
Sklute & Associates  
Potomac, MD

APPEARANCES FOR THE GOVERNMENT: Thomas H. Gourlay, Jr., Esq.  
Engineer Chief Trial Attorney  
Richard J. Sprunk, Esq.  
Engineer District Counsel  
U.S. Army Engineer District, Pittsburgh

ORDER OF DISMISSAL

Appellant requests the Board to dismiss this appeal without prejudice for lack of jurisdiction on the grounds that the contracting officer's final decision was issued in response to a equitable adjustment, rather than a Contract Disputes Act claim. The government does not oppose appellant's request. Accordingly, this appeal is dismissed without prejudice.

Dated: 6 February 2014

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

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA No. 59013, Appeal of Mongiovi & Son, rendered in conformance with the Board's Charter.

Dated:

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JEFFREY D. GARDIN  
Recorder, Armed Services  
Board of Contract Appeals