

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
)  
Abdul Ahad Khadim Construction Company ) ASBCA No. 59206  
)  
Under Contract No. W91B4L-12-C-0214 )

APPEARANCE FOR THE APPELLANT: Mr. Abdul Ahad Khadim  
Director

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
LTC Brian J. Chapuran, JA  
Trial Attorney

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

Appellant has submitted an email dated 8 October 2014<sup>1</sup> that we interpret as a motion for reconsideration of our 7 August 2014 dismissal of this appeal for lack of jurisdiction.<sup>2</sup> Board records establish that appellant received the Board's 7 August 2014 decision (that was sent by email<sup>3</sup>) no later than 7 August 2014. Board Rule 20 (revised 21 July 2014) requires the filing of a motion for reconsideration within 30 days of receipt of the decision for which reconsideration is sought (as did prior Rule 29). Appellant's motion was not filed within that 30-day time limit and must be dismissed as untimely. *Program and Construction Management Group, Inc.*, ASBCA No. 47048, 95-1 BCA ¶ 27,413, *aff'd*, 64 F.3d 676 (Fed. Cir. 1995) (*per curiam*) (table).

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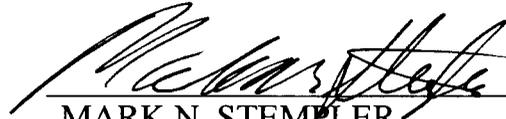
<sup>1</sup> Stating, *inter alia*, that he had not been in his office due to illness.

<sup>2</sup> Judge Lopes, who authored the 7 August 2014 Opinion, is no longer a member of the Board.

<sup>3</sup> The Board routinely sends decisions to litigants in Iraq and Afghanistan by email due to the absence of a functioning mail system.

Appellant's motion for reconsideration is dismissed.

Dated: 10 October 2014



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

I concur



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PAUL WILLIAMS  
Administrative Judge  
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. 59206, Appeal of Abdul Ahad Khadim Construction Company, rendered in conformance with the Board's Charter.

Dated:

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