

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Kuwait Leaders General Trading) ASBCA No. 58213
)
Under Contract No. W912D1-11-P-0136)

APPEARANCES FOR THE APPELLANT: Mr. Assad Dika
Chief Operation Officer

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
CPT Evan C. Williams, JA
MAJ Samuel E. Gregory, JA
Trial Attorneys

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

By letter dated 9 April 2012, a Department of Army contracting officer (CO) issued a final decision terminating appellant's contract, No. W912D1-11-P-0136, in part for default. On 6 July 2012, Mr. Assad Dika, Chief Operation Officer of Kuwait Leaders General Trading (KLG T) filed a notice of appeal of the CO's decision with this Board.

The same day KLG T submitted its complaint, Rex Hodges, Esq., of Oklahoma City, Oklahoma, entered a notice of appearance on behalf of appellant in lieu of Mr. Dika. Mr. Hodges represented KLG T in this appeal until 18 November 2013, when he filed a motion to withdraw as counsel due to inability to maintain necessary communications with his contractor client, and provided the Board with his contact information for Mr. Dika in Safat, Kuwait. Thereafter, the Board suspended proceedings to allow KLG T to attempt to retain legal counsel to represent it in this appeal and discussed with KLG T representatives during status conferences conducted by telephone that an officer of KLG T may act as its representative in proceedings before the Board in this appeal. Despite various communications between Board personnel and the parties regarding this matter, KLG T did not designate anyone as its representative in this appeal.

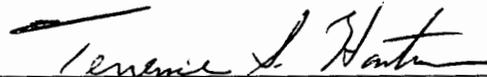
By Order dated 12 February 2014, the Board ordered KLG T pursuant to Board Rule 15(a) to send to the Board on or before 28 February 2014 a letter formally advising of the officer or attorney who is representing it in this appeal, along with contact information for that individual. While the Board was advised during various status conferences conducted by telephone with Army counsel and

Ms. "Dolly" Mahmoud, program manager, that there was an issue concerning contractor documents in the possession of a New York State attorney and that, upon resolution of this issue, Mr. Hodges may once again enter a notice of appearance on behalf of KLGT, he did not do so.

On 7 April 2015, the Board issued an Order to Mr. Dika pursuant to Board Rule 17 (revised 21 July 2014) to show cause on or before 20 May 2015 why this appeal should not be dismissed by the Board *with prejudice* for failure to prosecute. No individual from KLGT has contacted the Board by telephone, letter, or email to show cause why this appeal should not be dismissed for failure to prosecute.

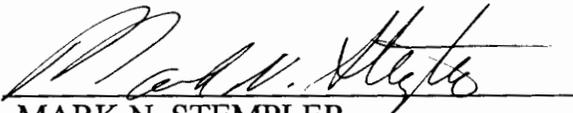
Accordingly, this appeal is dismissed with prejudice under Board Rule 17 for failure to prosecute.

Dated: 21 September 2015



TERRENCE S. HARTMAN
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



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

I concur



RICHARD SHACKLEFORD
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. 58213, Appeal of Kuwait Leaders General Trading, rendered in conformance with the Board's Charter.

Dated:

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