

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Innovative Energy Solution, Co.) ASBCA No. 58640
)
Under Contract No. FA8650-09-C-2010)

APPEARANCES FOR THE APPELLANT: Victor G. Klingelhofer, Esq.
Andrew K. Wible, Esq.
Cohen Mohr LLP
Washington, DC

APPEARANCES FOR THE GOVERNMENT: E. Michael Chiapas, Esq.
DCMA Chief Trial Attorney
Gregory T. Allen, Esq.
Trial Attorney
Defense Contract Management Agency
Chantilly, VA

OPINION BY ADMINISTRATIVE JUDGE O'CONNELL

By agreement dated 26 January 2015, the parties elected to have this matter considered and decided through a summary proceeding with a binding decision pursuant to the Board's Alternative Dispute Resolution (ADR) procedures. The parties have agreed that the Board's decision will be final, conclusive, not appealable, and may not be set aside, except for fraud. This decision will have no precedential value.

The Board conducted a one-day hearing on 19 February 2015. Each party was represented by counsel and had the opportunity to present evidence and testimony to the Board, and to cross-examine witnesses presented by the opposing party.

The Board has carefully considered the testimony of the witnesses, the documents in the Rule 4 file, and the contentions of the parties in their pre-hearing briefs and at the conclusion of the hearing. It is the decision of the Board that the appellant is entitled to be paid a total of \$169,000 on the contract at issue. Taking into

account payments to date of \$157,170, appellant is entitled to a net of \$11,830, plus interest under the Contract Disputes Act from 5 November 2012.

Dated: 4 March 2015



MICHAEL N. O'CONNELL
Administrative Judge
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. 58640, Appeal of Innovative Energy Solution, Co., rendered in conformance with the Board's Charter.

Dated:

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