

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
Taj Al Safa Company) ASBCA No. 59154
Under Contract No. M68450-08-M-0836)

APPEARANCE FOR THE APPELLANT: Mr. Murtadah Jaffar Abdulsahib
Owner

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
CPT Ahsan M. Nasar, JA
Trial Attorney

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

Appellant filed this appeal on 10 February 2014.¹ After the pleadings were filed, the Board by Order dated 14 November 2014, directed the parties to indicate how they wished to proceed with respect to whether a hearing was necessary. In a 3 December 2014 letter, the government requested an oral hearing. Appellant did not reply to the 14 November 2014 Order.

By Order dated 8 December 2014, the Board directed the parties to jointly propose three hearing dates, within 30 days of the date of the Order. When neither party responded, by 27 January 2015 Order, the Board ordered the parties to respond within 21 days. The government responded by letter dated 28 January 2015, stating it had attempted several times to coordinate hearing dates with appellant, but has received no response from appellant. Therefore, the government made a unilateral proposal of possible dates in October, November and December 2015. Appellant did not respond to the 27 January 2015 Order.

By Order dated 23 February 2015, appellant was directed to show cause why this appeal should not be dismissed for lack of prosecution. The Order stated that if appellant failed to comply within 21 days, the Board may dismiss the appeal with prejudice under Board Rule 17 (formerly Rule 31) for failure to prosecute, without further notice to the parties. To date, no response has been received.

¹ All written communications with appellant are by email due to the lack of a functioning mail system in Iraq.

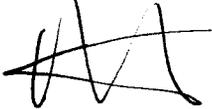
Accordingly, this appeal is dismissed with prejudice under Board Rule 17.

Dated: 24 March 2015



MARK N. STEMLER
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 concur



PETER D. TING
Administrative Judge
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. 59154, Appeal of Taj Al Safa Company, rendered in conformance with the Board's Charter.

Dated:

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