

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
)  
Adria Operating Corporation, d/b/a/ Ramada Inn ) ASBCA No. 59493  
d/b/a/ Adria Hotel & Conference Center )  
)  
Under Contract No. 00000-00-0-0000 )

APPEARANCE FOR THE APPELLANT: Vincent M. Lentini, Esq.  
Garden City, NY

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
MAJ Nancy J. Lewis, JA  
Trial Attorney

ALTERNATIVE DISPUTE RESOLUTION DECISION  
BY ADMINISTRATIVE JUDGE DELMAN

WHEREAS, on 24 February 2015, the parties entered into an Alternative Dispute Resolution (ADR) Agreement, seeking a final, binding decision from this Board after summary trial; and

WHEREAS, on 15 April 2015, said trial was held and the undersigned took evidence and argument from the parties at that time.

WHEREFORE, based upon a review of the transcript of trial testimony, the exhibits of record and the relevant law, the undersigned provides the following ADR Decision.

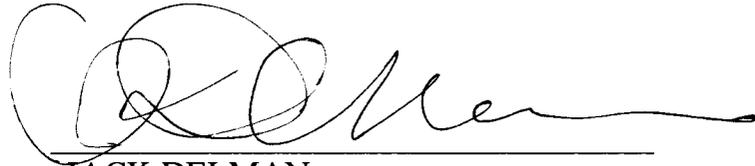
1. Appellant, as claimant under this appeal, has the burden to prove its breach of contract claim. Appellant has failed to prove that the Agreement upon which it seeks relief was executed by a government employee with the appropriate authority, i.e., the actual or implied actual authority, to enter into said Agreement. Hence, this Agreement was not a binding contract but was an unauthorized commitment of the United States.

2. Appellant has failed to prove that any government employee with the appropriate contract authority expressly or impliedly ratified this unauthorized commitment. Absent persuasive evidence otherwise, the government's payment to appellant for benefits received (the lodging of soldiers for dates 4-7 May 2013)

constituted payment on a *quantum meruit* basis, and did not serve to ratify the unauthorized commitment, which purported to reserve lodging through 30 May 2013.

WHEREFORE, ASBCA No. 59493 is denied.

Dated: 15 May 2015



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JACK DELMAN  
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. 59493, Appeal of Adria Operating Corporation, d/b/a/ Ramada Inn d/b/a/ Adria Hotel & Conference Center, rendered in conformance with the Board's Charter.

Dated:

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