

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
Amwaj Al-Sahel Company ) ASBCA No. 59679  
 )  
Under Contract No. W91GF5-09-P-0458 )

APPEARANCE FOR THE APPELLANT: Mr. Hatem Rateb  
Owner

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
MAJ Jamal A. Rhinehardt, JA  
Trial Attorney

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

Appellant filed this appeal from a contracting officer's decision denying its claim on 17 November 2014. After the pleadings were filed, the Board, by Order dated 12 February 2015, directed the parties to indicate how they wished to proceed with respect to whether a hearing was required. By Order dated 3 March 2015, in response to appellant's 27 February 2015 letter, the Board clarified that the parties were to elect whether they desired to proceed to a hearing, a submission on the record, or alternative dispute resolution. In a 15 April 2015 letter, the government requested an oral hearing. Appellant did not make an election in response to the 12 February 2015 and 3 March 2015 Orders.

By Order dated 17 April 2015, the Board directed the parties to jointly propose three hearing dates within 30 days of the date of the Order. In a 9 May 2015 letter, the government stated that it had attempted to contact appellant to discuss possible hearing dates, but that appellant had not responded. The government therefore requested an extension of time to comply with the Board's 17 April 2015 Order. By Order dated 11 May 2015, the Board granted the government's extension request and directed the parties to respond to the 17 April 2015 Order no later than 16 June 2015. In an 18 June 2015 letter, the government stated that it had been unable to contact appellant.

By Order dated 22 June 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 for failure to prosecute without further notice to the parties. To date, no response has been received.

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

Dated: 23 July 2015



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

I concur



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RICHARD SHACKLEFORD  
Administrative Judge  
Vice Chairman  
Armed Services Board  
of Contract Appeals

I concur



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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. 59679, Appeal of Amwaj Al-Sahel Company, rendered in conformance with the Board's Charter.

Dated:

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