

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
Bushra Company ) ASBCA No. 59918  
 )  
Under Contract No. M68450-06-M-7233 )

APPEARANCE FOR THE APPELLANT: Mrs. Bushra Mohammed  
Owner

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
ChristinaLynn E. McCoy, Esq.  
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE PROUTY  
ON APPELLANT’S MOTION FOR RECONSIDERATION

Before the Board is appellant Bushra Company’s (Bushra’s) timely motion for reconsideration of our earlier dismissal of its appeal for failure to timely appeal the contracting officer’s final decision. We deny the motion.

A motion for reconsideration is not the place to present arguments previously made and rejected. “When litigants have once battled for a decision, they should neither be required, nor without good reason permitted, to battle for it again. Motions for reconsideration do not afford litigants the opportunity to take a “second bite at the apple’ or to advance arguments that properly should have been presented in an earlier proceeding.” *Dixon v. Shinseki*, 741 F.3d 1367, 1378 (Fed. Cir. 2014) (citations omitted); *see also Avant Assessment, LLC*, ASBCA No. 58867, 15-1 BCA ¶ 36,137 at 176,386.

Here, Bushra’s four-sentence motion for reconsideration is nothing more than the rehashing of an argument that it previously presented. In its motion, Bushra argues that the termination for cause at issue in this appeal was the government’s fault because the contracting officer’s representative did not have a functioning email account (app. br.). This argument was raised by Bushra in its earlier opposition to the government’s motion to dismiss and was duly considered by us at the time that we granted the government’s motion. We need not address it again here, but do note that, as discussed in our earlier opinion, whether or not the email account at issue affected Bushra’s ability to perform the contract, it did not preclude the filing of a timely appeal of the contracting officer’s decision. And without such a timely appeal, we do not possess the authority to consider the merits of Bushra’s case.

For the reasons stated herein, we deny Bushra's request for reconsideration of the dismissal of ASBCA No. 59918 for lack of jurisdiction.

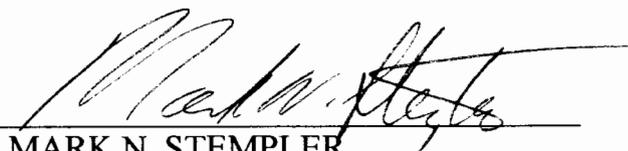
Dated: 16 June 2016



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J. REID PROUTY  
Administrative Judge  
Armed Services Board  
of Contract Appeals

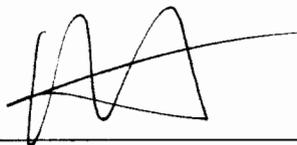
I concur



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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 certify that the foregoing is a true copy of the Opinion and Decision of the Armed Services Board of Contract Appeals in ASBCA No. 59918, Appeal of Bushra Company, rendered in conformance with the Board's Charter.

Dated:

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