

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
Kevin Diaz ) ASBCA No. 60369  
 )  
Under Contract No. 000000-00-0-0000 )

APPEARANCE FOR THE APPELLANT: Mr. Kevin Mark Diaz

APPEARANCES FOR THE GOVERNMENT: Ronald J. Borro, Esq.  
Navy Chief Trial Attorney  
Barry J. Plunkett III, Esq.  
Trial Attorney

ORDER OF DISMISSAL

The government filed a motion to dismiss for lack of jurisdiction on the basis that appellant did not allege the existence of a contract. Appellant has not filed a brief in response, but has filed a statement with the Board. It states:

The plaintiff Kevin Diaz for ASBCA No. 60369 requests the case be dismissed based on lack of jurisdiction.

Please proceed to make the case ready to write with lack of jurisdiction cited as the reason for dismissal.

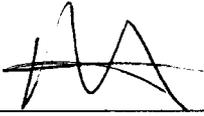
Inasmuch as appellant does not oppose the government's motion and does not assert the existence of a contract, we grant the government's motion and dismiss this appeal for lack of jurisdiction.

Dated: 29 March 2016

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

(Signatures continued)

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. 60369, Appeal of Kevin Diaz, rendered in conformance with the Board's Charter.

Dated:

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