

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of --)
)
Sungwoo E&C Co., Ltd.) ASBCA Nos. 60855, 60985
)
Under Contract No. W91QVN-14-D-0034)

APPEARANCE FOR THE APPELLANT: Song Yong Eui, Esq.
Chung Jin Law Office
Seoul, Korea

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
COL Jose A. Cora, JA
Trial Attorney

ORDER OF DISMISSAL

By correspondence dated 13 April 2017, appellant advised the Board that the parties have agreed to enter into settlement discussions regarding these appeals and requested that the appeals be dismissed without prejudice. Attached to appellant's 13 April 2017 correspondence was a 12 April 2017 letter from the contracting officer which stated, in pertinent part:

On condition of Sungwoo's withdrawal of all appeals to the ASBCA related to contract W91QVN-14-D-0034, task order 0016, including ASBCA Nos. 60855 and 60985, I agree to reopen the contracting officer's final decision, dated November 18, 2016, on your claim, dated August 3, 2016, and to enter into settlement negotiation for a period of 60 days from the date of ASBCA's notification of dismissal, at the conclusion of which, I will issue a new decision.

(Bd. corr. ltr. dtd. 19 April 2017)

Following a conference call in which appellant's withdrawal request and the contracting officer's letter were discussed, the contracting officer issued a revised letter, dated 20 April 2017, removing the conditional language:

I am rescinding the contracting officer's final decision, dated November 18, 2016, on your claim, dated August 3, 2016, in order to reopen settlement negotiation on your claim

for a period of 60 days from the date of ASBCA's notification of dismissal, at the conclusion of which, I will issue a new decision.

(Bd. corr. ltr. dtd. 20 April 2017) The rest of the contracting officer's 20 April 2017 letter was identical to the 12 April 2017 letter.

The government does not oppose appellant's request. Furthermore, the Board encourages such settlement efforts by the parties. Accordingly, these appeals are dismissed without prejudice to an appeal or appeals arising from a future contracting officer's final decision on appellant's 18 November 2016 claim, or a deemed denial thereof.

Dated: 12 May 2017



MARK N. STEMLER
Administrative Judge
Vice Chairman
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 Nos. 60855, 60985, Appeals of Sungwoo E&C Co., Ltd., rendered in conformance with the Board's Charter.

Dated:

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