

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Novel Construction Company) ASBCA No. 61005
)
Under Contract No. W91B4L-12-C-0242)

APPEARANCE FOR THE APPELLANT: Mr. Nasir Ahmady
Corporate Officer

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
MAJ Christopher M. Coy, JA
Trial Attorney

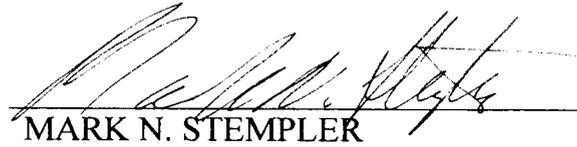
ORDER OF DISMISSAL

On 18 January 2017, appellant filed a notice of appeal with the Board, docketed as ASBCA No. 61005. Among the attachments accompanying its notice of appeal, an undated document deemed by appellant as its claim letter sought payment under the contract. On 16 February 2017, the government moved to dismiss the appeal for lack of jurisdiction, alleging that appellant did not submit a claim to the contracting officer prior to filing the appeal and a claim was later received by a contracting officer in February 2017.

By order dated 2 March 2017, the Board directed appellant to either provide documentation that it submitted a claim to a contracting officer prior to the filing of its 18 January notice of appeal, or confirm that it desires to receive a final decision on its claim submitted in February 2017. In an email on the same date, appellant communicated that it had submitted a claim letter to a contracting officer and requested a status of the final decision. The Board treated this correspondence as appellant's concurrence with the government's jurisdictional motion in ASBCA No. 61005. By order dated 8 March 2017, the Board informed the parties that it intended to dismiss this appeal unless either party objected within 14 days of the date of the Order. The Board received no objection from either party.

Accordingly, this appeal is dismissed for lack of jurisdiction without prejudice to the filing of a timely appeal from the denial, or deemed denial, of the claim received by the contracting officer in February 2017.

Dated: 27 March 2017



MARK N. STEMPLER
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 No. 61005, Appeal of Novel Construction Company, rendered in conformance with the Board's Charter.

Dated:

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