

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Louisiana Workforce Commission) ASBCA No. 61720
)
Under Contract No. W9124E-12-D-0002)

APPEARANCE FOR THE APPELLANT: Robert J. Roux, Esq.
Counsel

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
MAJ Sean B. Zehtab, JA
MAJ Jason W. Allen, JA
Trial Attorneys

ORDER OF DISMISSAL

By letter dated July 25, 2018, appellant filed a notice of appeal with the Board, docketed as ASBCA No. 61720. Appellant’s notice states, in part:

LWC is in the process of preparing a certified claim in response to the rejection of its REA. However, because the CO styled her response to LWC’s REA as a contracting officer’s final decision under the Contract Disputes Act, LWC is filing this appeal in an abundance of caution to preserve its rights and remedies in this matter.

By letter dated August 1, 2018, the government moved to dismiss for lack of jurisdiction, as appellant “concedes the request for equitable adjustment submitted to the contracting officer on which the appeal is based is not a certified claim.” By joint letter dated October 23, 2018, the parties stated, in part:

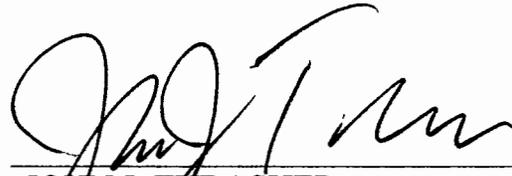
The appellant has not yet submitted a certified claim to the contracting officer, but intends to finalize a revised Request for Equitable Adjustment (“REA”) and submit it to the contracting officer no later than 1 December 2018. A revised REA submitted prior to a certified claim will allow for consideration of additional information in a less formal setting and benefit the overall dispute resolution process. If

the revised REA process reaches an impasse, then appellant will submit a certified claim in due course.

By Order dated October 25, 2018, 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 without prejudice to the contractor's filing of a claim with the contracting officer.

Dated: December 7, 2018



JOHN J. THRASHER
Administrative Judge
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. 61720, Appeal of Louisiana Workforce Commission, rendered in conformance with the Board's Charter.

Dated:

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