

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Environmental Safety Consultants, Inc.) ASBCA No. 53485
)
Under Contract No. N62472-90-C-5164)

APPEARANCE FOR THE APPELLANT: Mr. Peter C. Nwogu
President

APPEARANCES FOR THE GOVERNMENT: Susan Raps, Esq.
Navy Chief Trial Attorney
Ellen M. Evans, Esq.
Trial Attorney
Naval Facilities Engineering Command
Litigation Headquarters
Washington, DC

OPINION BY ADMINISTRATIVE JUDGE TODD
ON APPELLANT'S MOTION FOR CLARIFICATION

Appellant Environmental Safety Consultants, Inc. has filed a motion for clarification of the Board's recent decision on reconsideration alleging specific errors and omissions by the Board in this appeal. We interpret the motion as one for reconsideration. On 15 September 2005, the Board issued its decision in response to motions for reconsideration received from both parties.

Appellant is not entitled to a second reconsideration of the Board's rulings. *Kirk Brothers Mechanical Contractors, Inc.*, ASBCA Nos. 47801, 48243, 96-2 BCA ¶ 28,375 at 141,698; *Clyde P. Thomas*, ASBCA No. 28296, 88-3 BCA ¶ 21,179 at 106,881.

Appellant may be claiming special consideration because appellant appeared *pro se* during the hearings and briefing of the appeals in asking the Board to explain issues so that it could have a better understanding of the Board's decision. Appellant is entitled to no special consideration because of its appearance *pro se*. *Corbett Technology Co.*, ASBCA No. 49478, 00-1 BCA ¶ 30,801 at 152,067. We so advised appellant in our decision on entitlement. (47498, 00-1 BCA ¶ 30,826 at 152,143) There is no known requirement, legal or administrative, which places a *pro se* appellant in a position superior to a represented appellant. *Chemical Equipment Corp.*, ASBCA Nos. 21574, 22798, 80-2 BCA ¶ 14,493 at 71,450.

Appellant's motion is dismissed.

Dated: 1 November 2005

LISA ANDERSON TODD
Administrative Judge
Armed Services Board
of Contract Appeals

I concur

I concur

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

EUNICE W. THOMAS
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. 53485, Appeal of Environmental Safety Consultants, Inc., rendered in conformance with the Board's Charter.

Dated:

CATHERINE A. STANTON
Recorder, Armed Services
Board of Contract Appeals