ARMED SERVICES BOARD OF CONTRACT APPEALS
SKYLINE 6, ROOM 703
5109 LEESBURG PIKE
FALLS CHURCH, VA 22041-3208

21 October 2014

MEMORANDUM FOR: SECRETARY OF DEFENSE
SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF THE DEFENSE LOGISTICS AGENCY

SUBJECT: Report of Transactions and Proceedings of the Armed Services Board of Contract Appeals for the Fiscal Year Ending 30 September 2014

This report is furnished under paragraph 9 of the Charter of the Armed Services Board of Contract Appeals, revised 14 May 2007. The statistics reflect the adjudication of appeals of the Army, Navy, Air Force, Corps of Engineers, Defense Logistics Agency, Defense Contract Management Agency, other Defense agencies, Central Intelligence Agency, National Aeronautics and Space Administration, and the Washington Metropolitan Area Transit Authority.

The following statistics cover the activities of the Board during the reporting period and the current reserve of pending matters:

A.	Appeals Docketed During FY 2014	708
B.	Appeals Disposed During FY 2014	535
C.	Appeals Pending	
	Number of Appeals Pending 1 October 2009	532
	Number of Appeals Pending 1 October 2010	573
	Number of Appeals Pending 1 October 2011	566
	Number of Appeals Pending 1 October 2012	680
	Number of Appeals Pending 1 October 2013	893
	Number of Appeals Pending 1 October 2014	1,066
	Net Increase in Docket, FY 2014	173

D. Source of Appeals Docketed FYs 2010-2014

	FY 10	FY11	FY12	FY13	FY 14
Army	114	126	124	159	167
Navy	62	38	72	76	84
Air Force	62	45	92	34	57
Corps of Eng.	140	95	147	185	163
DLA & DCMA	49	94	91	115	187
Other Agencies	9	10	17	18	19
Reinstated	29	24	28	85	31
TOTAL	465	432	571	672	708

E. Appeals Disposed During FYs 2010-2014

	FY 10	FY 11	FY12	FY13	FY 14
1. Origin of Appeals					
Army	126	115	123	143	167
Navy	70	62	68	42	62
Air Force	32	78	53	57	44
Corps of Eng.	123	112	115	114	139
DLA & DCMA	58	63	83	84	107
Other Agencies	15	9	15	19	16
TOTAL	424	439	457	459	535
2. Rule 12 Proceedings	25	29	51	27	33
3. Disposition					
Sustained	61	43	41	80	60
Denied	46	38	45	60	49
Dismissed	317	358	371	319	426
TOTAL	424	439	457	459	535

F. Status of Appeals Pending 1 October 2014

Complaint Due	120
Answer Due	79
Discovery	305
To Be Set	45
Hearing Set	145
Transcript & Briefs Due	38
Suspense	286
Ready to Write	48
TOTAL	1,066

Of the Board's 1,066 active appeals, the Army has 263 (24.7%), the Navy has 121 (11.4%), the Air Force has 102 (9.6%), the Corps of Engineers has 329 (30.9%), DLA and DCMA have 229 (21.5%), and the remaining 19 appeals (2.1%) are from other sources.

During FY 2014, there were 33 elections to have appeals processed under Board Rule 12 (18 expedited and 15 accelerated), 1 application under the Equal Access to Justice Act, 15 motions for reconsideration, and 1 court remand. At the conclusion of FY 2014, there were 8 appeals being processed under Board Rule 12 (5 expedited and 3 accelerated), 1 application under the Equal Access to Justice Act, 7 motions for reconsideration, and 1 court remand pending.

In FY 2014, the Board disposed of 109 appeals on the merits. Of those dispositions, 55.0% of the decisions found merit in whole or in part. The Board dismissed 426 appeals. In the majority of cases, a dismissal reflects that the parties have reached a settlement. The U.S. Court of Appeals for the Federal Circuit (CAFC) docketed 12 appeals from Board decisions, and 7 appeals, all docketed in FY 2014, were pending at the close of the fiscal year. During the fiscal year, the CAFC disposed of 11 appeals involving ASBCA decisions, all of which were dismissed. Portions of an ASBCA decision, reviewed by the Court of Federal Claims (COFC), under its Wunderlich jurisdiction, and appealed to the CAFC, were remanded to the Board for further fact finding. The U.S. District Court for the Southern District of California entered a final judgment on a maritime appeal of a Board decision, affirming in part and reversing in part the Board's determinations.

During FY 2014, parties requested the Board's ADR services 28 times, covering 48 appeals and 1 undocketed dispute. Twenty-six requests were for nonbinding ADR and 2 requests, covering 5 matters, were for binding ADR. Twelve of the requests received during the year were pending at the close of the fiscal year. One FY 2013 request, involving one matter, was withdrawn. Of the 31 requests concluded during the year, not limited to FY 2014 requests, 2 requests, covering 5 matters were for binding ADR and 28 requests, covering 67 matters, were for nonbinding ADR. All were successfully resolved.

PAUL WILLIAMS
Chairman