

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Steelcraft Industrial and Development Corporation) ASBCA No. 50825
)
Under Contract No. 60-3089-001)

APPEARANCE FOR THE APPELLANT: Kristina L. Baird, Esq.
Horecky & Associates
Hagatna, Guam

APPEARANCES FOR THE GOVERNMENT: Arthur H. Hildebrandt, Esq.
Navy Chief Trial Attorney
John A. Dietrich, Esq.
Senior Trial Attorney

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Assistant Counsel
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Marketing Service
Camp H.M. Smith, HI

OPINION BY ADMINISTRATIVE JUDGE DELMAN
ON MOTION FOR RECONSIDERATION AND TO SUPPLEMENT THE RECORD

Appellant has timely filed a motion for reconsideration of our decision that denied appellant's claim for damages and lost profits arising out of the Government's cancellation of its contract to purchase a Navy-surplus power barge. *Steelcraft Industrial and Development Corporation*, ASBCA No. 50825, 00-2 BCA ¶ 30,993. Appellant also moves to reopen and to supplement the record with an affidavit purporting to show that appellant ratified certain actions of its president taken in his personal capacity. Familiarity with our decision is presumed.

As for the latter motion, appellant has not satisfactorily shown why this evidence is offered at this late date. Also, it has not shown that this affidavit would have constituted admissible evidence at the trial even if timely offered. Finally, assuming *arguendo* that it constitutes admissible evidence, we are not persuaded that, if admitted, it would have a material effect on the outcome of the case. For these reasons, appellant's motion to reopen the record is denied.

With respect to the motion for reconsideration, appellant contends that the Board failed to evaluate certain evidence “correctly” or “completely” in several instances (motion at 2, 3). Although it appears that appellant would have evaluated the evidence of record differently than the Board, we believe that the record, reasonably construed, supports all Board findings that were material to the disposition of the appeal. Appellant also disputes the Board’s conclusions of law, but in so doing reargues the same issues it previously raised and which were considered and rejected by the Board. These arguments remain unpersuasive and provide no basis for reconsideration.

Appellant has shown no factual or legal grounds to establish that our prior decision was in error. Having reconsidered our decision, we affirm it.

Dated: 7 November 2000

JACK DELMAN
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. 50825, Appeal of Steelcraft Industrial and Development Corporation, rendered in conformance with the Board's Charter.

Dated:

EDWARD S. ADAMKEWICZ
Recorder, Armed Services
Board of Contract Appeals