

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of --)
)
Management Resource Associates, Inc.) ASBCA Nos. 49457, 50866
)
Under Contract No. N62470-88-C-6017)

APPEARANCE FOR THE APPELLANT: Mr. Matthew N. Robinson
President

APPEARANCES FOR THE GOVERNMENT: Fred A. Phelps, Esq.
Navy Chief Trial Attorney
Mark R. Weiner, Esq.
Senior Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE FREEMAN
ON RECONSIDERATION OF APPELLANT'S
MOTION TO REOPEN THE RECORD

Management Resource Associates, Inc. (MRA) moves for reconsideration of our denial of its post-decision motion to reopen the record. That motion sought admission of “additional documents and schedules” to “clarify” the findings in the Board’s 16 January 2003 decision on the merits. *See Management Resource Associates, Inc.*, ASBCA Nos. 49457, 50866, 04-1 BCA ¶ 32,491 at 160,721-22.

Appellant’s sole stated ground for reconsideration is the hearing testimony of its accountant that he could not produce accounting documents within the time limit prescribed by a pre-hearing order because he was in the process of moving his office, his computers took a week to get “back up again,” and then he was “on vacation” (app. mot. quoting tr. 484-86). These excuses border on the frivolous. In addition to the reasons set forth in our first decision on this motion, we cannot reasonably require the government to bear the added time and cost of a separate consideration, hearing and briefing of evidence that, but for the MRA accountant’s office move and vacation, would have been presented pursuant to the Board’s pre-hearing order in the initial disposition of these appeals.

On reconsideration, we affirm our denial of MRA's motion to reopen the record.

Dated: 7 April 2004

MONROE E. FREEMAN, JR.
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 Nos. 49457, 50866, Appeals of Management Resource Associates, Inc., rendered in conformance with the Board's Charter.

Dated:

DAVID V. HOUBE
Acting Recorder, Armed Services
Board of Contract Appeals