

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Job Options, Inc.) ASBCA No. 56698
)
Under Contract No. HDEC08-02-C-0014)

APPEARANCES FOR THE APPELLANT: James F. Nagle, Esq.
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OPINION BY ADMINISTRATIVE JUDGE PEACOCK
ON GOVERNMENT'S MOTION FOR RECONSIDERATION

The government has filed a Motion for Reconsideration (Motion), dated 23 June 2010, requesting the Board to reverse its decision of 24 May 2010 sustaining the referenced appeal, *Job Options, Inc.*, ASBCA No. 56698, 10-1 BCA ¶ 34,444.

Generally, when deciding a motion for reconsideration the Board evaluates “whether the motion is based upon newly discovered evidence, mistakes in our findings of fact or errors of law.” *Robinson Quality Constructors*, ASBCA No. 55784, 09-2 BCA ¶ 34,171 at 168,911. Here the government argues that the Board misevaluated the facts of the case, resulting in mistakes in our factual findings as well as our legal conclusions based on those findings. However, when a motion for reconsideration merely restates factual and/or legal arguments that have previously been raised and considered by the Board, providing no persuasive basis for reversal, it will be denied. *E.g., H.N Bailey and Associates*, ASBCA No. 29298, 88-3 BCA ¶ 21,005 at 106,103. We have carefully considered all of the arguments raised by the government in the instant Motion and conclude that all of those contentions were previously raised and fully considered by us in rendering our prior decision in this appeal. For the most part, the government challenges the weight, persuasiveness and credibility that the Board assigned to conflicting evidence. In doing so, the Motion merely regurgitates the government’s previously-stated positions

on the same evidentiary issues. We did not find the government's contentions persuasive and it has provided no basis to alter our decision.

The motion is denied.

Dated: 28 July 2010

ROBERT T. PEACOCK
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. 56698, Appeal of Job Options, Inc., rendered in conformance with the Board's Charter.

Dated:

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