

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Troy Eagle Group) ASBCA No. 56447
)
Under Contract No. W91GY0-07-C-0008)

APPEARANCE FOR THE APPELLANT: Sam Z. Gdanski, Esq.
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Suffern, NY

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
Erica S. Beardsley, Esq.
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE GRANT
ON APPELLANT'S MOTION FOR RECONSIDERATION

On 3 April 2013, appellant Troy Eagle Group (Troy Eagle) timely moved for "Reconsideration/Reargument" of part of the Board's 4 March 2013 summary judgment decision (*Troy Eagle Group*, ASBCA No. 56447, 13-1 BCA ¶ 35,258)¹. In that decision, the Board concluded that alleged acts by the United States Government constituted sovereign acts, thereby shielding the government from liability for financial claims resulting from those acts. Troy Eagle asserts that the sovereign acts issue is interwoven with other bases for delay, and asks the Board to withdraw its decision on this issue to allow for fuller factual analysis. The government has opposed the motion on the basis that Troy Eagle is simply re-arguing an issue that was fully analyzed and decided by the Board.

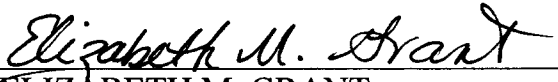
The general standards we apply to motions for reconsideration are whether the motion is based on newly discovered evidence, mistakes in the findings of fact, or errors of law. Reconsideration is not a chance for a party to re-argue its position, nor is it granted without compelling reason. *Robinson Quality Constructors*, ASBCA No. 55784, 09-2 BCA ¶ 34,171 at 168,911; *Zulco International, Inc.*, ASBCA No. 55441, 08-1 BCA ¶ 33,799 at 167,319.

Here, Troy Eagle does not present any facts not already considered by the Board, nor does it establish errors of fact or law in arguing that the Board should not have decided the sovereign acts issue on summary judgment. The Board's original decision

¹ Judge Thomas who participated in our decision has since retired.


stated that any road blockages, border/gate restrictions, or convoy requirements that may have been imposed by the United States Government were sovereign acts, and consequently, the government is not financially liable for delays caused by those acts. *Troy Eagle*, 13-1 BCA ¶ 35,258 at 173,060. It is immaterial that these acts may have been interwoven with other alleged causes of delay; the conclusion remains the same. Troy Eagle's motion for reconsideration is denied.

Dated: 13 May 2013



ELIZABETH M. GRANT
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



MARK N. STEMLER
Administrative Judge
Acting 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. 56447, Appeal of Troy Eagle Group, rendered in conformance with the Board's Charter.

Dated:

JEFFREY D. GARDIN
Recorder, Armed Services
Board of Contract Appeals