

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
)  
TMS Envirocon, Inc. ) ASBCA No. 57286  
)  
Under Contract No. F44600-01-C-0029 )

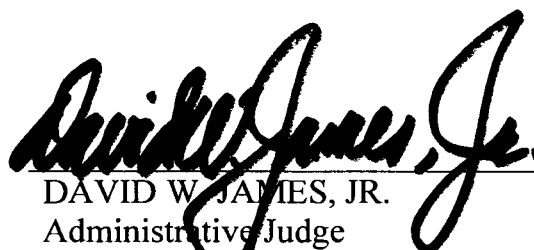
APPEARANCE FOR THE APPELLANT: Neil S. Lowenstein, Esq.  
Vandeventer Black LLP  
Norfolk, VA

APPEARANCES FOR THE GOVERNMENT: Col Robert J. Preston II, USAF  
Acting Air Force Chief Trial Attorney  
Jeffrey M. Lowry, Esq.  
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE JAMES

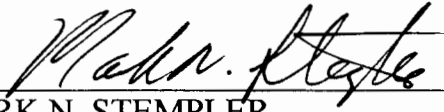
It is the Board's decision, pursuant to 41 U.S.C. §§ 7105(e), 7108(b), and the parties' stipulation and agreement, that the appeal is sustained only with respect to appellant's eight direct cost claim items totaling \$23,987.00 which occurred between 19 April and 17 September 2004, which were not dismissed for lack of jurisdiction by the Board's 18 June 2012 decision. *TMS Envirocon, Inc.*, ASBCA No. 57286, 12-2 BCA ¶ 35,084 at 172,295, 172,298, *recon. denied*, 13 BCA ¶ 35,204. In the nature of a consent judgment, the Board makes a monetary award to appellant in the amount of \$22,000.00. No Contract Disputes Act interest shall be paid. Consistent with the parties' stipulation and agreement, this consent judgment does not address appellant's claim items which were dismissed by the Board's 18 June 2012 decision. Nor does it otherwise bar appellant from pursuing any appeal rights it may have respecting those dismissed claim items.

Dated: 19 June 2014

  
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DAVID W. JAMES, JR.  
Administrative Judge  
Armed Services Board  
of Contract Appeals

(Signatures continued)

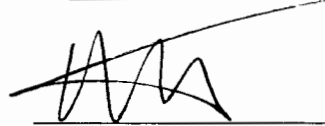
I concur



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MARK N. STEMLER  
Administrative Judge  
Acting Chairman  
Armed Services Board  
of Contract Appeals

I concur



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RICHARD SHACKLEFORD  
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. 57286, Appeal of TMS Envirocon, Inc., rendered in conformance with the Board's Charter.

Dated:

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