

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
ZAAZTC Co. ) ASBCA No. 59194  
 )  
Under Contract No. W91B4M-09-P-7232 )

APPEARANCE FOR THE APPELLANT: Mr. S. Ahmad Shah  
Managing Director

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
MAJ Cameron Edlefsen, JA  
Trial Attorney

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

Appellant filed this appeal on 5 March 2014.<sup>1</sup> After the pleadings were filed, the Board, by Order dated 14 May 2014, directed the parties to indicate how they wished to proceed with respect to whether a hearing was necessary. In a 28 May 2014 letter, the government requested an oral hearing. Appellant did not reply to the 14 May 2014 Order.

By Order dated 24 June 2014, the Board directed the parties to jointly propose three hearing dates, within 30 days of the date of the Order. The government responded on 23 July 2014, stating it had attempted several times to coordinate hearing dates with appellant through emails, but appellant had not replied. Therefore, the government made a unilateral proposal of possible dates in February 2015. By Order dated 29 July 2014, appellant was directed to inform the Board if it agreed with the government's suggested dates or to suggest alternative dates, and to do so no later than 19 August 2014. The Order informed appellant that if it did not comply by that date, the Board may order appellant to show cause why the appeal should not be dismissed with prejudice pursuant to Board Rule 17 (formerly Rule 31). No response was received by the Board.

By Order dated 28 August 2014, appellant was directed to show cause why this appeal should not be dismissed for lack of prosecution. The Order stated that if appellant failed to comply within 21 days, the Board may dismiss the appeal with prejudice under Board Rule 17 for failure to prosecute, without further notice to the parties. To date, no response has been received by the Board.

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<sup>1</sup> All written communications with appellant are by email due to the lack of a functioning mail system in Afghanistan.

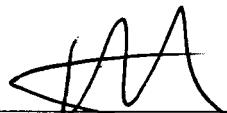
Accordingly, this appeal is dismissed with prejudice under Board Rule 17.

Dated: 9 October 2014



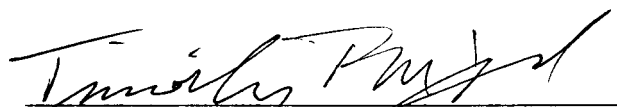
MARK N. STEMLER  
Administrative Judge  
Acting Chairman  
Armed Services Board  
of Contract Appeals

I concur



RICHARD SHACKLEFORD  
Administrative Judge  
Vice Chairman  
Armed Services Board  
of Contract Appeals

I concur



TIMOTHY P. MCILMAIL  
Administrative Judge  
Armed Services Board  
of Contract Appeals

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA No. 59194, Appeal of ZAAZTC Co., rendered in conformance with the Board's Charter.

Dated:

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