

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Zalzar FZE) ASBCA No. 59342
)
Under Contract No.)
SDZ-OEF/OIF-06-011-08-006-08027)

APPEARANCE FOR THE APPELLANT: Mr. Zalzar Temiraliev
Director

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
CPT Vera A. Strel, JA
Erica S. Beardsley, Esq.
Trial Attorneys

ORDER OF DISMISSAL

By notice of appeal dated 30 May 2014, appellant appealed from a “denial of rates increase request which [was] implied” by a 23 May 2014 notice of non-default contract termination. By letter dated 6 June 2014, appellant submitted an unopposed request to withdraw the appeal, along with two related appeals, “without prejudice to re-file appeals of these claims, if necessary, when the Contracting Officer has issued a Final Decision on each claim.”

In response to the Board’s request for further information, by Order dated 16 June 2014, appellant stated:

Zalzar...amended and resubmitted an official claim in sum certain requesting a wage rate increase on June 10, 2014.... [B]ecause it did not have a Contracting Officer’s Final Decision on the wage rate increase claim when it appealed to the Board and does not have a final decision now, Zalzar respectfully requests that the [Board] grant Zalzar’s request to withdraw [this appeal] without prejudice so Zalzar may timely initiate a new appeal....

The government having no objection to appellant's request, this appeal is dismissed without prejudice to a timely appeal to the Board from the denial or deemed denial of Zalzar's claim.

Dated: 10 July 2014



MARK N. STEMPLER
Administrative Judge
Vice Chairman
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. 59342, Appeal of Zalzar FZE, rendered in conformance with the Board's Charter.

Dated:

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