

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Dellew Corporation) ASBCA No. 58538
)
Under Contract No. FA5215-08-C-0008)

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SUMMARY BINDING DECISION BY ADMINISTRATIVE JUDGE PAGE

By ADR agreement approved by the Board on 9 December 2015, the parties requested that this appeal be decided by a “one-judge summary decision based on the position papers and appeal record.” This summary decision will address both entitlement and quantum, and “will be final and binding on the parties,” who have agreed “to waive further appeals in this matter.” (ADR Agreement at 1-2) This decision has no value as precedent, cannot be cited in any other proceeding and cannot be appealed.

DECISION

The appeal is sustained to the following extent. Dellew may recover a total of \$188,920.58, which is comprised of the following amounts: (1) \$4,307.70 in severance pay to Denise Romero; (2) \$165,048.15 in post-termination indirect costs that would have been absorbed by the PACAF contract had it not been terminated for the government’s convenience; and (3) \$19,564.73 in termination settlement proposal costs, which includes \$14,142.38 in attorney and consultant fees. Dellew is also entitled to CDA interest on the total amount recovered in accordance with 41 U.S.C.

§ 7109 from 10 September 2012, the putative date of receipt of the claim, until paid. In all other respects, the appeal is denied.

Dated: 4 April 2016



REBA PAGE
Administrative Judge
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. 58538, Appeal of Dellew Corporation, rendered in conformance with the Board's Charter.

Dated:

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