

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
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Zuhmat Group Construction ) ASBCA No. 59824  
 )  
Under Contract No. W91B4M-11-A-0005 )

APPEARANCES FOR THE APPELLANT: Eric Montalvo, Esq.  
Lauren R. Brier, Esq.  
The Federal Practice Group  
Worldwide Service  
Washington, DC

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
Frank A. March, Esq.  
Trial Attorney

SUMMARY BINDING DECISION BY ADMINISTRATIVE JUDGE PROUTY

By alternative dispute resolution (ADR) agreement approved by the Board on 30 March 2016, the parties requested that this appeal be decided by a one-judge “summary proceeding with binding decision.” The parties agreed that this “decision shall be final, conclusive, not subject to reconsideration or appeal, and may not be set aside, except for fraud.” (ADR Agreement at 1-3) This decision has no value as precedent and cannot be cited in any other proceeding. The undersigned conducted a one-day evidentiary hearing on 9 May 2016 in Dubai, United Arab Emirates, after which the parties rested and presented arguments.

DECISION

This appeal is sustained *in toto*. The government presented no factual defense to appellant’s claim, which I determine to have been completely supported by the uncontroverted and credible testimony and by the record. The claim consisted of four portions on the above-captioned Blanket Purchase Order contract: Call Nos. 7, 9, 12, and 13. At the exchange rate of approximately 55.9 Afghani per dollar prevailing on 17 October 2014, when Zuhmat submitted its certified claim, Zuhmat is entitled to \$8,050 for its claim on Call No. 7; \$304,298 for its claim on Call No. 9; \$85,509 for its claim on Call No. 12; and \$122,003 for its claim on Call No. 13. The amount of the award for Call Nos. 7 and 9 (totaling \$312,348) is subject to Contract Disputes Act interest in accordance with 41 U.S.C. § 7109 from the 17 October 2014 putative date of receipt of the claim until paid. The amount of the award for Call No. 12 (\$85,509) is subject to interest in accordance with the rate set by 41 U.S.C. § 7109 from the 12 November 2011 date that the invoice for Call No. 12 was submitted until paid. The amount of the award

for Call No. 13 (\$122,003) is subject to interest in accordance with the rate set by 41 U.S.C. § 7109 from the 21 February 2012 date that the invoice for Call No. 13 was submitted until paid.

Dated: 17 May 2016



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J. REID PROUTY  
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. 59824, Appeal of Zuhmat Group Construction, rendered in conformance with the Board's Charter.

Dated:

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