

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
)  
Leviathan Corporation ) ASBCA No. 58659  
)  
Under Contract No. DABV01-03-D-0001 )

APPEARANCES FOR THE APPELLANT: Skye Mathieson, Esq.  
Stephen J. McBrady, Esq.  
Charles Baek, Esq.  
Crowell & Moring LLP  
Washington, DC

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
CPT Jessica Hom, JA  
CPT William T. Wicks, JA  
Trial Attorneys

OPINION BY ADMINISTRATIVE JUDGE O'CONNELL

By agreement dated 7 November 2016, the parties elected to have this matter considered and decided through a summary proceeding with a binding decision pursuant to the Board's Alternative Dispute Resolution procedures. The parties have agreed that the Board's decision will be final, conclusive, not appealable, and may not be set aside, except for fraud. This decision will have no precedential value.

The Board conducted a one-day hearing on 12 April 2017. Each party was represented by counsel and had the opportunity to present evidence and testimony to the Board. The government declined to present witness testimony; appellant submitted declarations from two witnesses.

The Board has carefully considered the declaration testimony of the witnesses, the documents in the Rule 4 file, and the contentions of the parties in their pre-hearing briefs, and those made at the hearing. It is the decision of the Board that the appellant is entitled to be paid \$254,903.92, plus interest under the Contract Disputes Act from 7 June 2013.

Dated: 20 April 2017

  
MICHAEL N. O'CONNELL  
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. 58659, Appeal of Leviathan Corporation, rendered in conformance with the Board's Charter.

Dated:

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