

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Shippers Stevedoring Company) ASBCA No. 60379
)
Under Contract No. HTC711-15-D-R037)

APPEARANCE FOR THE APPELLANT: Mr. Nick Stratigakis
President and Chief Executive Officer

APPEARANCES FOR THE GOVERNMENT: Jeffrey P. Hildebrant, Esq.
Air Force Deputy Chief Trial Attorney
Lt Col Damund E. Williams, USAF
Trial Attorney

ORDER OF DISMISSAL

By letter dated 18 December 2015, Donald C. Holmes, Esq., filed a notice of appeal from a contracting officer's final decision denying appellant's request for payment for "hardship conditions" on behalf of Shippers Stevedoring Company (appellant), which the Board docketed on 21 December 2015. Mr. Holmes represented appellant in connection with this appeal until 15 November 2016, when he notified the Board he was withdrawing as counsel, and provided the Board with contact information for Mr. Nick Stratigakis, whom Mr. Holmes identified as appellant's President and Chief Executive Officer.

By Orders dated 17 November 2016 and 15 December 2016, appellant was directed to show that it is represented in this appeal by a person who meets the criteria of Board Rule 15(a), or to designate a proper person as its representative. Those two Orders were sent to Mr. Stratigakis at the address provided by Mr. Holmes. By Order dated 11 January 2017, appellant was again directed to show that it is represented by a person meeting the criteria of Board Rule 15(a) or designate a proper person as its representative. This Order was sent to Mr. Stratigakis at the email address provided by Mr. Holmes. The Board has received no response to any of those Orders.

On 4 January 2017 and 11 January 2017, Board personnel attempted to contact Mr. Stratigakis at the office and cell phone numbers provided by appellant's former counsel, and left voicemail messages requesting appellant to contact the Board. Appellant did not respond to either of those voicemails.

By Show Cause Order dated 2 February 2017, the Board ordered appellant to show that it is represented in these proceedings by a person meeting the criteria of Board Rule 15(a) or designate a proper person to represent it. The Order stated that if appellant did not

comply, the Board intended to dismiss this appeal without further notice to the parties. The Order was sent to appellant via certified mail and email to the addresses provided by Mr. Holmes. The return receipt card for the certified letter was returned to the Board bearing the illegible signature of a person identified not as the addressee but as an agent. The Board received no response to the Order.

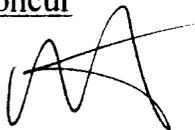
It is not clear whether Mr. Stratigakis is currently employed by appellant and appellant has not designated another individual as its representative. Since the Board cannot proceed without a representative meeting the requirements of Board Rule 15(a), this appeal is dismissed.

Dated: 7 March 2017



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



MICHAEL N. O'CONNELL
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. 60379, Appeal of Shippers Stevedoring Company, rendered in conformance with the Board's Charter.

Dated:

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