

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
 [REDACTED] ) ASBCA No. 60444  
 )  
 Under Contract No. W91B4M-07-C-7228 )

APPEARANCE FOR THE APPELLANT: [REDACTED]  
CEO and President

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
CPT Matthew A. Freeman, JA  
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE PEACOCK ON APPELLANT'S  
MOTION FOR RECONSIDERATION

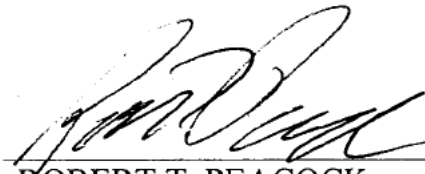
On 18 November 2016, appellant submitted an email that the Board deemed a timely-filed motion for reconsideration of our 10 November 2016 decision, which dismissed the appeal for lack of jurisdiction. The Board received the government's response to appellant's motion for reconsideration on 28 February 2017. Appellant submitted its reply on 27 March 2017.

It is well established that reconsideration does not provide a party an opportunity to reargue issues that were previously raised and decided. *Precision Standard, Inc.*, ASBCA No. 58135, 16-1 BCA ¶ 36,504 at 177,859. The moving party must show a compelling reason why the Board should modify its decision based upon newly discovered evidence, mistakes in our findings of fact, or errors of law. *Id.*

The Board's 10 November 2016 decision held that we lacked jurisdiction over the appeal because appellant failed to submit a certified claim to the contracting officer prior to filing the appeal. The decision also addressed that appellant could not correct its failure to certify its claim by submitting a claim including a signed certification on 8 September 2016, after filing its appeal with the Board. Appellant's motion revisits arguments previously made, including asking the Board to consider its most recently submitted certified claim. The Board duly considered appellant's attempt to correct its failure to certify its claim in our previous decision. We need not address it again here. To the extent that appellant seeks a decision from the contracting officer on its certified claim, the Board dismissed the appeal without prejudice to appellant's

submission of a properly certified claim to the contracting officer. Accordingly, appellant's motion for reconsideration is denied.

Dated: 12 April 2017



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ROBERT T. PEACOCK  
Administrative Judge  
Armed Services Board  
of Contract Appeals

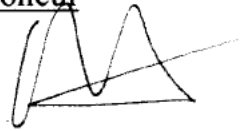
I concur



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MARK N. STEPLER  
Administrative Judge  
Acting Chairman  
Armed Services Board  
of Contract Appeals

I concur



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RICHARD SHACKLEFORD  
Administrative Judge  
Vice Chairman  
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. 60444, Appeal of [REDACTED] rendered in conformance with the Board's Charter.

Dated:

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