

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
 [REDACTED]) ASBCA No. 60899
)
 Under Contract No. W919QA-12-C-RP01)

APPEARANCE FOR THE APPELLANT: [REDACTED]
CEO and President

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
LTC Joseph J. Jankunis, JA
Trial Attorney

ORDER OF DISMISSAL

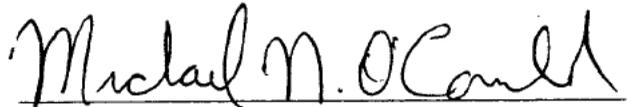
By motion dated 21 February 2017, the government moved to dismiss the appeal for lack of jurisdiction because, *inter alia*, “appellant admits that it has not submitted a claim to a contracting officer” (gov’t mot. at 6). Exhibit 4 of the government’s motion to dismiss includes an email, dated 8 December 2016, in which appellant states, “No[,] we never submitted [a] certified claim because we had no information about ASBCA before, and we never submitted to contracting officer” (gov’t mot., ex. 4 at 1). In a subsequent email addressed to government counsel, appellant asked “when you will provide me the final decision Letter...can you please tell me who is our POC to contact them about this case” (Bd. corr. ltr. dtd. 3 May 2017).

By Order dated 16 May 2017, the Board requested the government to promptly provide the contractor with confirmation that the email address for the cognizant contracting officer provided at paragraph 13 of the government’s motion (gov’t mot. at 4), is still valid. By correspondence dated 18 May 2017, the government notified the Board that it did so on 16 May 2017. The government further advised the Board that, in response to its confirmation, the contractor sent an email to the cognizant contracting officer’s email address attached to which were six documents. According to the government, one of the documents was titled “Certified Claim.” (Bd. corr. ltr. dtd. 18 May 2017)

By Order dated 19 May 2017, the Board informed the parties that it intended to dismiss this appeal unless either party objected within 14 days of the date of the Order. The Board has not received an objection from either party.

Accordingly, this appeal is dismissed without prejudice to the appeal of any contracting officer's decision (or appeal from a deemed denial) of any proper claim submitted by the contractor.

Dated: 6 June 2017



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. 60899, Appeal of [REDACTED], rendered in conformance with the Board's Charter.

Dated:

JEFFREY D. GARDIN

Recorder, Armed Services
Board of Contract Appeals