

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Panjshir Star Construction Company) ASBCA No. 61719
)
Under Contract No. W91B4N-18-P-8032)

APPEARANCE FOR THE APPELLANT: Mr. Ahmad Dinar
CEO/President

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
MAJ Ronald M. Herrmann, JA
Trial Attorney

ORDER OF DISMISSAL

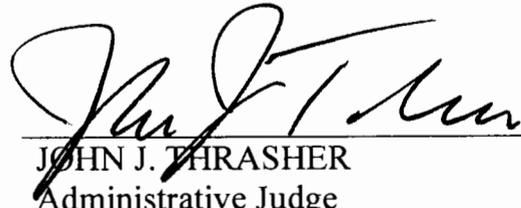
By email dated July 24, 2018, appellant filed a notice of appeal with the Board, docketed as ASBCA No. 61719. On August 29, 2018, the Board directed appellant to provide a copy of the claim it submitted to the contracting officer prior to filing this appeal, or if no claim was submitted, to so notify the Board and the government. By letter of that same date, the government asserted appellant did not submit a claim to the contracting officer, and provided to the Board and appellant the name and contact information for the cognizant contracting officer.

After appellant failed to respond to the Board's August 29, 2018 Order and a subsequent Order dated September 19, 2018, the Board issued a third Order dated October 12, 2018, directing the government to submit a brief addressing whether the Board has jurisdiction to hear this appeal, and advising appellant it would have 14 days to respond to that brief.

Appellant contacted the Board by email dated October 12, 2018, stating "I will send my claim to contracting officer and will send you her decision, thank you." The Board understood this correspondence to express appellant's intention to no longer pursue this appeal, and by Order dated October 17, 2018, 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 received no objection from either party.

Accordingly, this appeal is dismissed without prejudice to appellant's filing of a claim with the cognizant contracting officer.

Dated: November 20, 2018



JOHN J. THRASHER
Administrative Judge
Chairman
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. 61719, Appeal of Panjshir Star Construction Company, rendered in conformance with the Board's Charter.

Dated:

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