

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Manhattan Hunt A Joint Venture) ASBCA No. 61477
)
Under Contract No. N40080-13-C-0151)

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APPEARANCES FOR THE GOVERNMENT: Craig D. Jensen, Esq.
Navy Chief Trial Attorney
Nicole R. Best, Esq.
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE CLARKE

In this appeal, Manhattan Hunt A Joint Venture (MH) made two arguments, first contract interpretation and second mistake/reformation. On June 21, 2019, the Board issued a decision granting the Navy’s Motion for Partial Summary Judgment denying MH’s contract interpretation argument. *Manhattan Hunt A Joint Venture*, ASBCA No. 61477, 19-1 BCA ¶ 37,386. MH appealed the decision to the United States Court of Appeals for the Federal Circuit (CAFC). On February 27, 2020, the CAFC granted the government’s motion to dismiss because the Board had not rendered its final decision in the appeal. The Board had not yet issued a decision on the mistake/reformation argument. The contract interpretation decision was returned to the Board pending a decision on the mistake/reformation argument.

By joint motion the parties requested that the Board dismiss the mistake/reformation count with prejudice. MH preferred to pursue its CAFC appeal of the interpretation decision without waiting for a decision on the mistake/reformation argument. The motion is granted. Accordingly, the remaining portion of this appeal, relating to the mistake/reformation is dismissed with prejudice. This decision granting the parties’ joint request for dismissal of appellant’s remaining argument leaves the Board’s June 21, 2019 decision on the Navy’s Motion for Partial Summary Judgment ripe for appeal.

CONCLUSION

Accordingly, as we previously granted judgment in favor of the Navy on the contract interpretation issue and the only remaining basis for appeal is now dismissed, the appeal is denied.

Dated: August 6, 2020



CRAIG S. CLARKE
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



J. REID PROUTY
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

I concur



OWEN C. WILSON
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. 61477, Appeal of Manhattan Hunt A Joint Venture, rendered in conformance with the Board's Charter.

Dated: August 6, 2020



PAULLA K. GATES-LEWIS
Recorder, Armed Services
Board of Contract Appeals