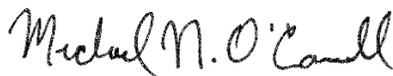


BCA ¶ 37,725 (Nov. 2, 2020)). The Board also observes that appellant made allegations similar to those quoted above in several other recent emails to the Board, including those on February 9 (12:47 p.m.), February 9 (4:31 p.m.), February 10 (12:55 p.m.), February 10 (2:50 p.m.), and February 17 (4:45 p.m.) (all emails in 2021).²

Board Rule 20 provides that a motion for reconsideration “must be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.”³ There is no provision in the Board’s Rules for a motion for reconsideration beyond this time or for a second motion for reconsideration and, absent extraordinary circumstances that are not present here, we would not consider one. *See Quality Trust, Inc.*, ASBCA No. 59983, 16-1 ¶ 36,529 at 177,948 (citing *Clyde P. Thomas*, ASBCA No. 28296, 88-3 BCA ¶ 21,179 at 106,881).

Appellant’s second motion for reconsideration is denied as untimely because it was filed more than 30 days after appellant received the opinion on June 24, 2020. Simultaneous with this decision, the Board is granting appellant’s request to withdraw the claims or issues that remained pending after the Board granted the government partial summary judgment in the decision referenced above. Appellant is directed to 41 U.S.C. § 7107(a)(1)(A) concerning further appellate review.

Dated: February 22, 2021



MICHAEL N. O’CONNELL
Administrative Judge
Armed Services Board
of Contract Appeals

(Signatures continued)

² The Board identifies the exact time of the emails so that they are not confused with several other emails appellant sent the Board during this time period.

³ During the initial months of the current pandemic, service of some Board opinions was delayed but the record reflects that the Board furnished its June 11, 2020, opinion to the parties by email on June 24, 2020. Appellant’s first motion for reconsideration, which it filed on July 23, 2020, was, therefore, timely.

I concur



RICHARD SHACKLEFORD
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

I concur



J. REID PROUTY
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. 61652, Appeal of Exceed Resources, Inc., rendered in conformance with the Board's Charter.

Dated: February 23, 2021



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