

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
)
Valiant Integrated Services, LLC) ASBCA No. 63117
)
Under Contract No. W911W4-11-D-0006 *et al.*)

APPEARANCES FOR THE APPELLANT: Edmund M. Amorosi, Esq.
Kathryn T. Muldoon Griffin, Esq.
Haynes and Boone, LLP
Tysons, VA

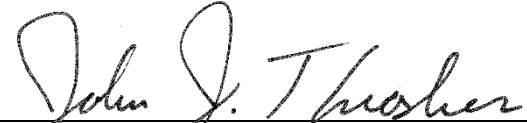
APPEARANCES FOR THE GOVERNMENT: Samuel W. Morris, Esq.
DCMA Chief Trial Attorney
Srikanti Schaffner, Esq.
Trial Attorney
Defense Contract Management Agency
Carson, CA

OPINION BY ADMINISTRATIVE JUDGE THRASHER

The contracting officer’s determination of noncompliance with a cost accounting standard from which this appeal is taken has been withdrawn; the contracting officer stated that they “have determined the cost impact was immaterial.” By motion dated March 31, 2023, the government moves to dismiss this appeal with prejudice since the contracting officer withdrew its final decision dated September 30, 2021. The government states that it “has no intention of issuing another final decision with the same determinations as the September 30, 2021 Final Determination for the period of July 2016 to December 2021.” The government asserts that this appeal is now moot. Appellant does not oppose the government’s motion.

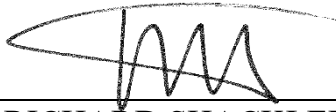
“[W]hen a contracting officer unequivocally rescinds a government claim, the government’s action moots the appeal, leaving the Board without jurisdiction to entertain the appeal further.” *Scot Cardillo d.b.a. Eng’rs Tooling Support*, ASBCA No. 62051, 22-1 BCA ¶ 38,153 at 185,297 (citations omitted). Accordingly, the appeal is dismissed as moot.

Dated: April 7, 2023



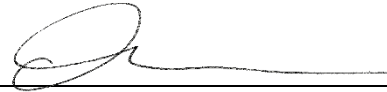
JOHN J. THRASHER
Administrative Judge
Chairman
Armed Services Board
of Contract Appeals

I concur



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

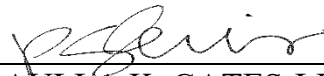
I concur



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. 63117, Appeal of Valiant Integrated Services, LLC, rendered in conformance with the Board’s Charter.

Dated: April 7, 2023



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