

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Suodor Al-Khair Co -) ASBCA Nos. 59036, 59037
SAKCO for General Trading)
)
Under Contract No. W91GY0-08-C-0025)

APPEARANCE FOR THE APPELLANT: Mr. Ahmed S. Najm
Owner

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
Erica S. Beardsley, Esq.
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE MELNICK DISMISSING THE
APPEALS FOR FAILURE TO PROSECUTE

These appeals arise from the contract referred to above. As more fully described in the Board's prior ruling partially granting the government's motion to dismiss ASBCA No. 59036, and denying its motion to dismiss ASBCA No. 59037, appellant appeals from the contracting officer's denial of its claim for \$72,077.33, and assertion of a claim against appellant for \$65,763.13. *See Suodor Al-Khair Co - SAKCO for General Trading*, ASBCA Nos. 59036, 59037, 15-1 BCA ¶ 35,964. After that ruling was issued, the Board ordered the parties on 28 April 2015 to confer and jointly propose a schedule of proceedings. The government provided correspondence in response to that order on 27 May 2015. The Board ordered appellant to respond to that letter by 18 June 2015. Nothing was received. On 4 September 2015, the Board again ordered the parties to propose a schedule. On 7 October 2015, the government reported it had been unable to communicate with appellant and proposed its own schedule. On 10 November 2015, noting the government's statements, the Board ordered appellant to communicate whether it intended to continue pursuing these appeals. Nothing was received. On 2 February 2016, the Board issued an order to appellant to show cause by 12 February 2016 why these appeals should not be dismissed for failure to prosecute. Nothing has been received.

Accordingly, under Board Rule 17 the appeals are dismissed with prejudice for failure to prosecute. *See Al Nawars Co.*, ASBCA No. 59044, 16-1 BCA ¶ 36,234.

Dated: 21 March 2016



MARK A. MELNICK
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



MARK N. STEMLER
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

I concur



RICHARD SHACKLEFORD
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 Nos. 59036, 59037, Appeals of Suodor Al-Khair Co - SAKCO for General Trading, rendered in conformance with the Board's Charter.

Dated:

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