

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of --)
)
American International Contractors, Inc.) ASBCA Nos. 60948, 61166
)
Under Contract No. W912ER-14-C-0002)

APPEARANCES FOR THE APPELLANT: Scott M. Heimberg, Esq.
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OPINION BY ADMINISTRATIVE JUDGE O'CONNELL

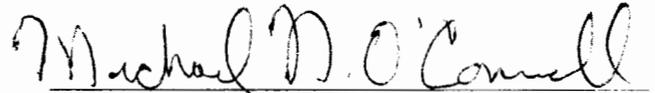
On May 29, 2018, the Board denied appellant's motion for summary judgment and granted the government's cross-motion for summary judgment except with respect to: 1) the liquidated damages withheld from May 19-28, 2015, for which we found there was a material dispute of fact as to whether appellant had completed the work; and 2) the correct calculation of liquidated damages that should be released to appellant based on the contracting officer's final decision. On October 29, 2018, the Board denied appellant's motion for reconsideration.

Appellant advised the Board by letter dated November 8, 2018, that it "no longer disputed the amount of liquidated damages withheld by the government as calculated in the Contracting Officer's final decision, including the amounts held from May 19-28, 2015, but only the government's right to withhold those damages." The Board had resolved this latter issue in its opinion on the cross-motions for summary judgment. Thus, appellant requested "that the Board enter final judgment in the government's favor on the entire case, as there are no remaining open issues in this matter" so that it can exercise its appellate rights. The government informed the Board

by letter dated November 21, 2018, that it has no objection to appellant withdrawing the unresolved portion of the appeals.

Accordingly, these appeals are denied.

Dated: December 4, 2018



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

I concur



RICHARD SHACKLEFORD
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 Nos. 60948, 61166, Appeals of American International Contractors, Inc., rendered in conformance with the Board's Charter.

Dated:

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