

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Beechcraft Defense Company, LLC) ASBCA No. 61550
)
Under Contract Nos. FA8617-06-D-6150)
FA8617-07-D-6151)
FA8617-09-C-6166)
FA8617-09-C-6170)
FA8617-09-C-6175)
FA8620-07-C-4010)

APPEARANCES FOR THE APPELLANT:

James J. McCullough, Esq.
Michael J. Anstett, Esq.
Anayansi Rodriguez, Esq.
Fried, Frank, Harris, Shriver &
Jacobson LLP
Washington, DC

APPEARANCES FOR THE GOVERNMENT:

E. Michael Chiaparas, Esq.
DCMA Chief Trial Attorney
Debra E. Berg, Esq.
Stephen R. Dooley, Esq.
Trial Attorneys
Defense Contract Management Agency
Boston, MA

OPINION BY ADMINISTRATIVE JUDGE SHACKLEFORD

On December 5, 2017, a contracting officer issued a final decision asserting a government monetary claim for alleged noncompliance of Cost Accounting Standards under the captioned contracts. The decision was addressed to “Textron Corporation (Formerly Beechcraft Corporation).” In the notice of appeal, counsel for appellant asserted that the proper contractor under the captioned contracts is Beechcraft Defense Company, LLC.* Appellant subsequently moved to dismiss the appeal for lack of subject matter jurisdiction, asserting that the final decision did not assert a claim against a “contractor” under the Contract Disputes Act, 41 U.S.C. §§ 7101-7109.

* Counsel also asserted that Beechcraft Defense Company, LLC has changed its name to Textron Aviation Defense LLC and is awaiting government approval of the novation.

The government does not oppose dismissal. Further, the government has notified the Board that the contracting officer rescinded the December 5, 2017 final decision and provided copies of a final decision dated May 17, 2018, that states that the final decision dated December 5, 2017, is rescinded and replaced by the final decision dated May 17, 2018. Where a contracting officer unequivocally rescinds a final decision asserting a government claim, there is no longer any claim before the Board to adjudicate, and the Board has dismissed the appeal as moot. *URS Federal Support Services, Inc.*, ASBCA No. 60364, 17-1 BCA ¶ 36,587 at 178,204; *Combat Support Associates*, ASBCA Nos. 58945, 58946, 16-1 BCA ¶ 36,288 at 176,973. Accordingly, the appeal is dismissed as moot.

Dated: June 7, 2018



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 concur



LIS B. YOUNG
Administrative Judge
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. 61550, Appeal of Beechcraft Defense Company, LLC, rendered in conformance with the Board's Charter.

Dated:

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