

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
U.S. Aeroteam, Inc.) ASBCA No. 61760
)
Under Contract No. FA8526-12-C-0039)

APPEARANCES FOR THE APPELLANT: Milton C. Johns, Esq.
Rachel Leahey, Esq.
FH + H, PLLC
Tysons, VA

APPEARANCES FOR THE GOVERNMENT: Jeffrey P. Hildebrant, Esq.
Air Force Deputy Chief Trial Attorney
Isabelle P. Cutting, Esq.
Maj Ryan P. Payne, USAF
Trial Attorneys

ORDER OF DISMISSAL

On August 21, 2018, appellant filed a notice of appeal with the Board, which the Board docketed as ASBCA No. 61760. The notice stated that the appeal involved “a non-monetary dispute regarding contract interpretation of a unilateral modification to the delivery schedule” and that it was filed in response to a purported contracting officer’s final decision dated August 10, 2018. By Order dated December 6, 2018, the Board directed appellant to provide a brief addressing whether the contractor submitted a proper claim to the contracting officer prior to the initiation of this appeal, and whether the Board has jurisdiction over this appeal. On December 20, 2018, the parties jointly moved to dismiss this appeal, stating that on December 13, 2018, the contracting officer “issued two modifications to the contract that render the request for contract interpretation moot.” The parties’ motion is granted. The appeal is dismissed without prejudice.

Dated: February 8, 2019



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

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA No. 61760, Appeal of U.S. Aeroteam, Inc., rendered in conformance with the Board's Charter.

Dated:

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