

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
)
Lessors of Abchakan Village, Logar) ASBCA No. 61787
Province, Afghanistan)
)
Under Contract No. DACA-AED-5-09-9650 *et al.*)

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OPINION BY ADMINISTRATIVE JUDGE SWEET

On August 18, 2021, the government moved to reconsider footnote 8 of our decision denying the government’s motion to dismiss, in which we held that “the thumbprints used by the Heirs constitute valid signatures.” *Lessors of Abchakan Village, Logar Province, Afghanistan*, ASBCA No. 61787, slip op. at 6 n.8 (Decision dtd. July 21, 2021). We did not intend footnote 8 to preclude the government from challenging the validity of the thumbprint signatures following discovery. Rather, we merely intended to hold that thumbprints may constitute valid signatures, and the executed certifications contain thumbprints purporting to be from the Heirs. Therefore, to the extent the language of footnote 8 is overly broad, we grant the motion to reconsider, and clarify and amend the language in the first sentence of footnote 8 to replace the words following “we hold that” with the words “the thumbprints purportedly used by the Heirs may constitute valid signatures, without prejudice to the government’s ability to challenge the validity of individual

thumbprints.” We replace the words in the last sentence of footnote 8 following “we hold that” with the same clause.

Dated: October 6, 2021



JAMES R. SWEET
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



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

I concur



J. REID PROUTY
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. 61787, Appeal of Lessors of Abchakan Village, Logar Province, Afghanistan, rendered in conformance with the Board’s Charter.

Dated: October 6, 2021



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