

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Facility Defense Consultants, Inc.) ASBCA No. 61077
dba Hanke Constructors)
)
Under Contract No. W912DQ-14-D-4003)

APPEARANCE FOR THE APPELLANT: Leonard R. Ruzicka, Jr., Esq.
Ruzicka Law Firm, LLC
St. Louis, MO

APPEARANCES FOR THE GOVERNMENT: Thomas H. Gourlay, Jr., Esq.
Engineer Chief Trial Attorney
Kristine R. Hoffman, Esq.
Engineer Trial Attorney
U.S. Army Engineer District, Kansas City

ORDER OF DISMISSAL

This appeal arises from a purported 30 November 2016 contracting officer's final decision denying a 10 August 2016 Request for Equitable Adjustment (REA). The government has asserted that the Board lacks jurisdiction over the appeal because the REA was not a claim. The parties have informed the Board that, subsequent to the filing of this appeal, the contractor has submitted a claim involving the same matter to the contracting officer for a decision. Appellant has stated that it does not object to dismissal of this appeal. By Order dated 12 June 2017, the Board informed the parties that it intended to dismiss this appeal unless either party objected within 14 days of the date of the Order. The Board received no objection from either party.

Accordingly, this appeal is dismissed without prejudice.

Dated: 28 June 2017



JOHN J. THRASHER
Administrative Judge
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. 61077, Appeal of Facility Defense Consultants, Inc. dba Hanke Constructors, rendered in conformance with the Board's Charter.

Dated:

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