

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Acstial Technologies, Inc.) ASBCA No. 61559
)
Under Contract No. W91247-17-C-0029)

APPEARANCE FOR THE APPELLANT: Mr. Vince C. Bell
Construction Manager

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
CPT Jeremy D. Burkhart, JA
Trial Attorney

ORDER OF DISMISSAL

By correspondence dated 27 February 2018, Mr. Vince C. Bell, construction manager for appellant, attempted to file a notice of appeal by emailing to an incorrect email address for the Board. Mr. Bell also sent the notice of appeal to the Army at the Fort Bragg, North Carolina, contracting office. By email dated 14 March 2018, the notice of appeal was forwarded to the Board by Raymond M. Saunders, Esq., Army Chief Trial Attorney. The Board docketed the appeal on 15 March 2018.

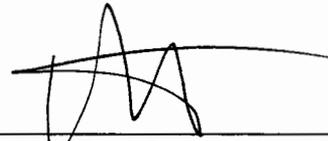
By Orders dated 20 March 2018 and 11 April 2018, appellant was directed to show that it is represented in this appeal by a person who meets the criteria of Board Rule 15(a), or to designate a proper person as its representative. The first letter was sent to the address provided on appellant's notice of appeal, and the second letter was emailed to Mr. Bell. The Board received no response from appellant to either of these Orders.

During the time the Board was awaiting a response from appellant regarding the Rule 15(a) representative, the government moved to dismiss this appeal for lack of jurisdiction. Appellant has failed to file any response to the government's motion.

By Show Cause Order dated 25 April 2018, the Board ordered appellant to show that it is represented in these proceedings by a person meeting the criteria of Board Rule 15(a), or designate a proper person to represent it. The Order stated that if appellant did not comply, the Board intended to dismiss this appeal without further notice to the parties. The Order was sent to appellant via certified mail and email to the addresses provided in the notice of appeal. The Board received no response to the Show Cause Order.

Since the Board cannot proceed without a representative meeting the requirements of Board Rule 15(a), this appeal is dismissed.

Dated: 23 May 2018



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 concur



LIS B. YOUNG
Administrative Judge
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. 61559, Appeal of Acsential Technologies, Inc., rendered in conformance with the Board's Charter.

Dated:

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