

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of --)
)
Safi Apparel Corporation) ASBCA Nos. 59747, 59988
)
Under Contract Nos. W91B4M-09-D-0042)
W91B4M-10-A-0033)

APPEARANCE FOR THE APPELLANT: Alexander J. Brittin, Esq.
Brittin Law Group, PLLC
McLean, VA

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
MAJ Julie A. Glascott, JA
Trial Attorney

SUMMARY BINDING DECISION BY ADMINISTRATIVE JUDGE WOODROW

By agreement dated 14 June 2016, the parties elected to have this matter considered and decided through a summary proceeding with binding decision pursuant to the Board's Alternative Dispute Resolution (ADR) procedures. The parties have agreed that the Board's "decision shall be final, conclusive, not subject to reconsideration or appeal, and may not be set aside, except for fraud or misconduct" (ADR Agreement ¶ 15). This decision will have no precedential value.

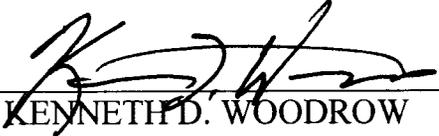
The Board conducted a three-day evidentiary hearing on 21 June 2016. Each party was represented by counsel and had the opportunity to present evidence and testimony to the Board, and to cross-examine witnesses presented by the opposing party.

DECISION

The Board has carefully considered the testimony of the witnesses, the documents in the Rule 4 file, and the contentions of the parties in their pre-hearing briefs and at the conclusion of the hearing. We find that Brigadier General Blake's statement that he would "pay Safi's costs" is not sufficient to create an implied-in-fact contract to pay appellant's incurred costs. In addition, we find that LTC Willingham did not ratify an

unauthorized agreement to pay appellant's incurred costs. Therefore, the appeals are denied.

Dated: 11 July 2016


KENNETH D. WOODROW
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 Nos. 59747, 59988, Appeals of Safi Apparel Corporation, rendered in conformance with the Board's Charter.

Dated:

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