

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
eTec Engineering & Construction Ltd.) ASBCA No. 60667
)
Under Contract No. W912UM-14-C-0027)

APPEARANCE FOR THE APPELLANT: Song Yong Eui, Esq.
Chung Jin Law Offices
Seoul, Korea

APPEARANCES FOR THE GOVERNMENT: Thomas H. Gourlay, Jr., Esq.
Engineer Chief Trial Attorney
Robert M. Sundberg, Esq.
Paul L. Huhtanen, Esq.
Engineer Trial Attorneys
U.S. Army Engineer District, Far East
Seoul, Korea

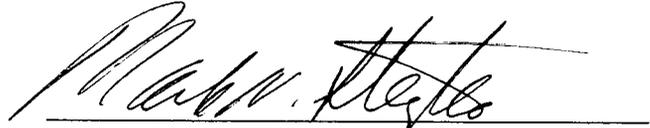
ORDER OF DISMISSAL

By email dated 7 July 2016, appellant appealed from an alleged contracting officer's final decision (COFD), dated 9 May 2016, on appellant's alleged 25 April 2016 claim. On 6 August 2016, the government filed a motion to dismiss the appeal for lack of jurisdiction or, in the alternative, to stay the appeal pending issuance of a COFD. In its motion, the government alleged that appellant's 25 April 2016 submission was not a certified claim (gov't mot. at 14-18), but that appellant had submitted a certified claim, dated 5 July 2016, which was then being considered by the contracting officer (gov't mot. at 18-21). Following a conference call, the parties agreed to a stay of proceedings in this appeal pending issuance of a COFD on appellant's 5 July 2016 claim.

The parties subsequently filed a joint status report, dated 14 November 2016, in which they jointly requested dismissal of the appeal. In their joint status report, the parties explained that the government had provided appellant with the COFD on 11 November 2016 and that, "[u]pon a dismissal by the Board, the Appellant will submit a new appeal based on the [COFD]." (Bd. corr. ltr. dtd. 14 November 2016) Accordingly,

this appeal is dismissed from the Board's docket without prejudice. *See TTF, L.L.C., ASBCA No. 58494, 13 BCA ¶ 35,343 at 173,464.*

Dated: 23 November 2016



MARK N. STEMPLER
Administrative Judge
Acting 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. 60667, Appeal of eTec Engineering & Construction Ltd., rendered in conformance with the Board's Charter.

Dated:

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