

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
)  
Curtiss-Manes-Schulte, Inc. ) ASBCA No. 59362  
)  
Under Contract No. W911S7-13-C-0018 )

APPEARANCE FOR THE APPELLANT: Mr. Daniel Schulte  
President

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
CPT Tyler L. Davidson, JA  
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE YOUNGER ON  
ORDER TO SHOW CAUSE WHY APPEAL SHOULD NOT BE DISMISSED AS MOOT

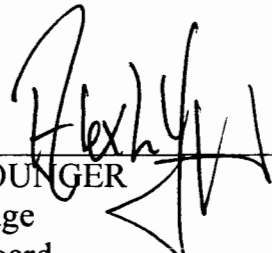
In this deemed appeal regarding a construction contract, appellant Curtiss-Manes-Schulte, Inc., (appellant ) seeks recovery for the alleged cost of storing materials on site. Appellant elected disposition under our Rule 12.2.

The record contains an uncontroverted representation by government counsel that, by date of 25 June 2014, after the filing of the appeal, the government paid appellant the full amount of the principal in dispute (Bd. corr. ltr. dtd. 30 July 2014 at 1). In addition, the government has submitted Modification No. P00003 dated 29 July 2014, increasing the contract price by \$287.24, which is said to represent Contract Disputes Act interest for the 57-day period from the date of claim submission to the date of payment (Bd. corr. ltr. dtd. 30 July 2014, attachment).

Accordingly, by order dated 26 August 2014, the Board directed appellant to show cause, by or before 18 September 2014, why the appeal should not be dismissed as moot. Appellant has failed to respond or otherwise comply with the order.

Given the uncontroverted recitations of payment of principal and interest in dispute, the Board sees no reason to maintain this appeal on its docket. Accordingly, this appeal is hereby dismissed with prejudice as moot.

Dated: 10 October 2014

  
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ALEXANDER YOUNGER  
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 No. 59362, Appeal of Curtis-Manes-Schulte, Inc., rendered in conformance with the Board's Charter.

Dated:

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