

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of --)
)
PRN Associates, Inc.) ASBCA Nos. 61614, 61615
)
Under Contract Nos. SPE4A6-13-M-J697)
SPE4A6-14-C-0023)

APPEARANCE FOR THE APPELLANT: Mr. Neal Shah
President

APPEARANCES FOR THE GOVERNMENT: Daniel K. Poling, Esq.
DLA Chief Trial Attorney
Edward R. Murray, Esq.
Trial Attorney
DLA Aviation
Richmond, VA

OPINION BY ADMINISTRATIVE JUDGE THRASHER

By letters dated March 22, 2018, and March 26, 2018, a contracting officer (CO) issued final decisions terminating Contract Nos. SPE4A6-13-M-J697 and SPE4A6-14-C-0023, respectively, for default. Appellant filed timely notices of appeal on April 27, 2018. Appellant subsequently moved to dismiss the appeals, asserting that the terminations for default had been rescinded, and the contracts reinstated. Copies of the modifications rescinding the terminations for default and reestablishing delivery dates, as well as cover letters from the CO confirming the rescission and identifying new delivery dates, were included as part of the motion. The government did not file any objection to appellant's request for dismissal.

Where a CO unequivocally rescinds a final decision asserting a government claim, there is no longer any claim before the Board to adjudicate, and the Board has dismissed the appeal as moot. *URS Federal Support Services, Inc.*, ASBCA No. 60364, 17-1 BCA ¶ 36,587 at 178,204; *Combat Support Associates*, ASBCA Nos. 58945, 58946, 16-1 BCA ¶ 36,288 at 176,974. Accordingly, the appeals are dismissed as moot.

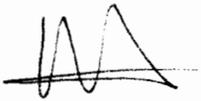
Dated: August 1, 2018



JOHN J. THRASHER
Administrative Judge
Chairman
Armed Services Board
of Contract Appeals

(Signatures continued)

I concur



RICHARD SHACKLEFORD
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

I concur



OWEN C. WILSON
Administrative Judge
Vice Chairman
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. 61614, 61615, Appeals of PRN Associates, Inc., rendered in conformance with the Board's Charter.

Dated:

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