

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Thomas & Sons Building Contractors, Inc.) ASBCA No. 51577
)
Under Contract No. F36629-93-C-0007)

APPEARANCE FOR THE APPELLANT: Mr. James H. Thomas
President

APPEARANCES FOR THE GOVERNMENT: COL Alexander W. Purdue, USAF
Chief Trial Attorney
Donald M. Yenovkian II, Esq.
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE DICUS
ON APPELLANT'S MOTION FOR RECONSIDERATION

Appellant has moved for reconsideration of our decision, *Thomas & Sons Building Contractors, Inc.*, ASBCA No. 51577, 31 August 2000, in which we dismissed portions of the above-captioned appeal for lack of jurisdiction. Appellant, in essence, disagrees with our holding that the Department of Labor has preemptive jurisdiction over the portions of the claim we dismissed. Respondent opposes the motion.

We have carefully considered the parties' submissions and deny the motion. While appellant takes strong exception to the Board's decision, appellant's motion is not based upon any newly discovered evidence or legal theories which the Board failed to consider in formulating its original decision. Our 31 August 2000 decision is affirmed.

Dated: 21 November 2000

CARROLL C. DICUS, JR.
Administrative Judge
Armed Services Board
of Contract Appeals

(Signatures continued)

I concur

I concur

MARK N. STEMLER
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

EUNICE W. THOMAS
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 No. 51577, Appeal of Thomas & Sons Building Contractors, Inc., rendered in conformance with the Board's Charter.

Dated:

EDWARD S. ADAMKEWICZ
Recorder, Armed Services
Board of Contract Appeals