

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Empresa de Viacao Terceirensense) ASBCA No. 49827
)
Under Contract No. F61040-94-C-0003)

APPEARANCE FOR THE APPELLANT: Sam Zalman Gdanski, Esq.
Suffern, NY

APPEARANCES FOR THE GOVERNMENT: COL Alexander W. Purdue, USAF
Chief Trial Attorney
LT COL Daniel F. Doogan, USAF
Senior Trial Attorney
CAPT Kim M. D'Ippolito, USAF
Trial Attorney

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

Appellant (EVT) has moved for reconsideration of our decision, dated 25 September 2000 and published at 00-2 BCA ¶ 31,120, granting, in part, the Government's second motion for partial summary judgment. Appellant has not raised any issue which has not already been fully considered. On that basis, the initial decision is affirmed.

EVT also requested that the motion be referred to the Senior Deciding Group for decision (app. reply at 1). The Chairman has determined that the issues presented by the motion are not of such unusual difficulty, significant precedential importance, or dispute within the normal decision process as to justify referral to the Senior Deciding Group. *SRM Manufacturing Co.*, ASBCA Nos. 44750, 45729, 00-1 BCA ¶ 30, 618. On that basis, he has denied the request.

Dated: 10 January 2001

PENIEL MOED
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. 49827, Appeal of Empresa de Viacao Terceirense, rendered in conformance with the Board's Charter.

Dated:

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