

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
AMR Group, Inc., t/a Landmark Allied) ASBCA No. 51330
)
Under Contract No. DAHA49-95-C-0003)

APPEARANCE FOR THE APPELLANT: Tilman L. Gerald, Esq.
Tilman L. Gerald & Associates
Washington, DC

APPEARANCES FOR THE GOVERNMENT: COL Michael R. Neds, JA
Chief Trial Attorney
CPT Anissa Parekh, JA
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE STEMLER

Appellant filed the above-captioned appeal from the contracting officer's final decision denying appellant's request for \$960,277.43. The Board on 24 November 2000 afforded appellant 30 days in which to show that a certified claim had been submitted to the contracting officer, but did not receive a response from appellant. On 5 January 2001, the Board issued an order to appellant to show cause, within 21 days of the receipt of the order, why the appeal should not be dismissed for lack of jurisdiction. While appellant received the Board's show cause order on 30 January 2001, the Board has not received a response thereto. Appellant also has not responded to telephone messages from the Board that were left on 3 January and 1 March 2001. By letter dated 21 March 2001, the Government provided a sworn declaration from the contracting officer affirming that no CDA certification had been received from appellant.

The Contract Disputes Act (CDA), 41 U.S.C. § 605(c)(1), requires that claims in excess of \$100,000 be certified to the contracting officer. A claim in excess of that amount that is not accompanied by any certification precludes the Board from exercising jurisdiction. *Eurostyle, Inc.*, ASBCA No. 45934, 94-1 BCA ¶ 26,458.

Accordingly, the appeal is dismissed for lack of jurisdiction.

Dated: 27 March 2001

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

I concur

I concur

EUNICE W. THOMAS
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

ALLAN F. ELMORE
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. 51330, Appeal of AMR Group, Inc., t/a Landmark Allied, rendered in conformance with the Board's Charter.

Dated:

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