

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
L&C Europa Contracting Company, Inc.) ASBCA No. 52617
)
Under Contract No. N62470-95-C-1468)

APPEARANCE FOR THE APPELLANT: Walter D'Ull, Esq.
New York, NY

APPEARANCES FOR THE GOVERNMENT: Fred A. Phelps, Esq.
Navy Chief Trial Attorney
Alan R. Caramella, Esq.
Trial Attorney
Litigation Office
Naval Facilities Engineering Command
Washington, DC

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

Appellant has timely moved for reconsideration of portions of our opinion in *L&C Europa Contracting Company, Inc.*, ASBCA No. 52617, 04-1 BCA ¶ 32,495. Appellant's supporting brief was filed on 21 April 2004. In our decision, we sustained the appeal as to two of appellant's 11 claims seeking equitable adjustments. Appellant requests that we reconsider our denial of the remaining nine claims. The general standards we apply in deciding a motion for reconsideration are whether the motion is based upon newly discovered evidence, errors in our fact findings or legal theories that the Board failed to consider in reaching its underlying decision. *E.g.*, *Danac, Inc.*, ASBCA No. 33394, 98-1 BCA ¶ 29,454 at 146,219; *Sauer, Inc.*, ASBCA No. 39372, 96-2 BCA ¶ 28,620 at 142,897. The purpose of the motion is not to afford a party with the opportunity to reargue contentions that have been fully considered and rejected. *E.g.*, *McDonnell Douglas Electronics Systems Co.*, ASBCA No. 45455, 99-1 BCA ¶ 30,132 at 149,057. In support of its motion, appellant has offered no facts or argument that we have not fully considered in rendering our earlier decision nor has it presented any other basis warranting reconsideration. The motion is, accordingly, denied.

Dated: 2 August 2004

ROBERT T. PEACOCK
Administrative Judge
Armed Services Board
of Contract Appeals

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. 52617, Appeal of L&C Europa Contracting Company, Inc., rendered in conformance with the Board's Charter.

Dated:

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