

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
Baghdad Fallujah Company ) ASBCA No. 58489  
 )  
Under Contract No. W91GEU-07-P-0133 )

APPEARANCES FOR THE APPELLANT: Mr. Haider Fahmy  
President  
Mr. Nasser Naaseh  
Manager

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
CPT Anthony Lenze, JA  
Trial Attorney

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

Appellant, Baghdad Fallujah Company, has filed a timely motion for reconsideration of the Board's 14 August 2013 decision dismissing the appeal for lack of jurisdiction. The government has submitted a response. In evaluating a motion to reconsider, we examine whether the motion is based on newly discovered evidence, mistakes in the findings of fact, or errors of law. *Robinson Quality Constructors*, ASBCA No. 55784, 09-2 BCA ¶ 34,171. Such a motion should not be viewed as an opportunity for a party to restate arguments already made. *Id.*

Appellant's motion for reconsideration consists of two short paragraphs in which the company's president states, without evidentiary support, that appellant delivered under the contract and should receive at least part of the amount awarded for the contract. He does not address the issues raised by the government's motion to dismiss or the Board's decision on that motion.

The motion for reconsideration does not assert that appellant has new evidence on the jurisdictional issue. Further, it does not allege or demonstrate a mistake in our findings of fact or an error in the Board's legal conclusions. Accordingly, the motion for reconsideration is denied.

Dated: 23 October 2013



MARK A. MELNICK  
Administrative Judge  
Armed Services Board  
of Contract Appeals

I concur



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

I concur



ELIZABETH M. GRANT  
Administrative Judge  
Acting 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. 58489, Appeal of Baghdad Fallujah Company, rendered in conformance with the Board's Charter.

Dated:



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