

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
Rhodes Research ) ASBCA No. 59414  
Under Contract No. W9124D-14-P-0133 )

APPEARANCE FOR THE APPELLANT: Ms. Stephenne L. Rhodes  
Owner

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
MAJ Deirdre K. Baker, JA  
CPT Nicholas Maurer, JA  
Trial Attorneys

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

In an opinion issued on 7 June 2016, the Board denied the appeal of Rhodes Research (Rhodes) from a final decision of the contracting officer (CO) holding that Rhodes was entitled to recover an amount of \$7,186.21 for its settlement proposal following the termination of its commercial items contract for the convenience of the government. *Rhodes Research*, ASBCA No. 59414, 16-1 BCA ¶ 36,397. Familiarity with that decision is presumed. On 6 July 2016, Rhodes filed a timely motion for reconsideration. It contended that the CO had not used proper mathematical methods in arriving at an appropriate settlement amount and that it had properly substantiated its settlement costs (app. br. at 2).

In order to prevail on its motion for reconsideration, Rhodes must demonstrate that the Board's underlying decision contained mistaken findings of fact or errors of law or that newly discovered evidence warrants reconsideration. *Sauer Inc.*, ASBCA No. 39372, 96-2 BCA ¶ 28,620 at 142,896. Rhodes has not met this burden.

In our decision, the Board analyzed in detail the CO's methodology for compensating Rhodes following the termination for convenience, noting her conclusion that Rhodes had completed only 16.4 percent of the work. With regard to the issue of substantiation, the Board also concluded that the CO paid Rhodes the full amount of its sole invoice. *Rhodes Research*, 16-1 BCA ¶ 36,397 at 177,438-39.

Through its motion, Rhodes makes no new arguments and does not present any newly discovered evidence. It merely restates in summary form contentions which it

made at the hearing and in its post-hearing brief. This is inadequate to meet the standards governing motions for reconsideration. *Metric Constructors, Inc.*, ASBCA No. 46279, 94-2 BCA ¶ 26,827 at 133,446-47.

CONCLUSION

The Board has reconsidered its decision and affirms it.


Dated: 8 May 2017



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MICHAEL T. PAUL  
Administrative Judge  
Armed Services Board  
of Contract Appeals

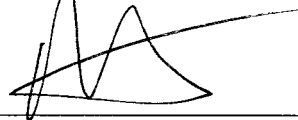
I concur



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

I concur



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RICHARD SHACKLEFORD  
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. 59414, Appeal of Rhodes Research, rendered in conformance with the Board's Charter.

Dated:

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