

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Hanboo Construction Co., Ltd.) ASBCA No. 60591
)
Under Contract No. W91QVN-14-D-0043)

APPEARANCE FOR THE APPELLANT: Mr. Won Bae Kim
CPOC/Vice President

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
MAJ Bruce L. Mayeux, JA
MAJ Julie A. Glascott, JA
Trial Attorneys

ORDER OF DISMISSAL

After receiving a notice of appeal (NOA) signed by Mr. Won Bae Kim, CPOC/Vice President, sent from acons@acons.co.kr, the Board docketed the appeal on 19 May 2016 and listed Mr. Kim as appellant's representative.

Appellant failed to file a complaint within the time specified in Board Rule 6(a). By Order dated 7 November 2016, the Board informed appellant that unless it objected within 5 days, the Board intended to deem appellant's NOA as appellant's complaint. No objection was received by the Board.

After all pleadings were filed, and in response to a 5 January 2017 Order asking how the parties wished to proceed, the government informed the Board it had attempted to confer on several occasions with appellant, but had not been successful. By 29 March 2017 Order, the Board directed appellant to respond to the 5 January 2017 Order within 21 days. No response was received by the Board. By 4 May 2017 Order, the Board ordered appellant to respond to the Board Orders with 21 days or immediately inform the Board how much more time was needed and why. In response, by email dated 21 May 2017, sent from the same email address as the email received from Mr. Kim, the Board received the following:

Mr. Gardin

I have to apologize to you and your agency, we at Ha[n]boo are at a loss in this matter. We do not know what this letter is referring to. And, we have searched our records and can find

nothing about an appeal or any order. Additionally, the person that this letter is addressed to, Mr. Kim, is no longer employed by Hanboo, and we have been unable to contact him.

If you could somehow refresh our collective memory, with communications from Mr. Kim, hopefully, we'll be able to remedy this situation.

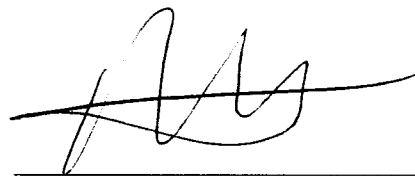
Thank you

Emily Han
Hanboo Construction Co., Ltd

The Board, by 1 June 2017 Order, provided Ms. Han a copy of the Board's Rules, and directed her attention to Board Rule 15(a) which specifies who can represent an appellant in an appeal before the Board. The Board noted that neither she nor any other named representative of the company was identified in the record as a corporate officer or attorney, thus satisfying the requirements of Rule 15(a). The Board directed appellant to show that it is represented by a person meeting the criteria of Rule 15(a), or to designate a proper person as its representative, no later than 22 June 2017. No response has been received from appellant.

Without a representative meeting the requirements of Board Rule 15(a), the Board is unable to proceed. The appeal is dismissed.

Dated: 14 July 2017



RICHARD SHACKLEFORD
Acting Chairman
Administrative Judge
Armed Services Board
of Contract Appeals

(Signatures continued)

I concur



OWEN C. WILSON
Administrative Judge
Acting Vice Chairman
Armed Services Board
of Contract Appeals

I concur



CHRISTOPHER M. MCNULTY
Administrative Judge
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA No. 60591, Appeal of Hanboo Construction Co., Ltd., rendered in conformance with the Board's Charter.

Dated:

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