

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)

██)
Under Contract No. W91B4M-09-C-7256)

ASBCA No. 60673

APPEARANCE FOR THE APPELLANT:

████████████████████
General Director

APPEARANCES FOR THE GOVERNMENT:

Raymond M. Saunders, Esq.
Army Chief Trial Attorney
CPT Sarah E. Park, JA
MAJ Christopher C. Cross, JA
Trial Attorneys

OPINION BY ADMINISTRATIVE JUDGE O'CONNELL ON APPELLANT'S
MOTION FOR RECONSIDERATION

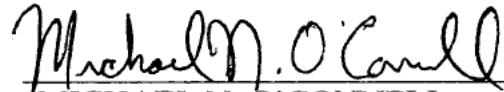
On 28 December 2016, appellant submitted two emails and several attachments that together were deemed a timely-filed motion for reconsideration of our 5 December 2016 decision (██ 17-1 BCA ¶ 36,588) which dismissed the appeal for lack of jurisdiction. The government was provided an opportunity to respond to appellant's motion. No response was received.

The standards for deciding a motion for reconsideration are well established. Reconsideration does not provide a party an opportunity to reargue issues that were previously raised and decided. *Precision Standard, Inc.*, ASBCA No. 58135, 16-1 BCA ¶ 36,504 at 177,859. The movant must establish a compelling reason to modify the earlier decision. *Id.* We look to whether the movant presents newly discovered evidence, mistakes in findings of fact, or errors of law. *Id.*

Our 5 December 2016 decision held we lacked jurisdiction over the appeal because the documents accompanying appellant's 28 October 2016 submission in response to the government's motion to dismiss did not establish that a claim was submitted to a contracting officer prior to the filing of the appeal. Appellant's first 28 December 2016 email attached a document that, among other things, communicated dissatisfaction with our earlier decision, sought \$71,000 under the contract, and requested the contact information of the cognizant contracting officer. The second 28 December email attached several documents. One document is deemed by appellant as a claim for \$71,000. The remaining documents appear to be the same documents that were a part of appellant's 28 October 2016 submission which were considered in our earlier decision. Appellant has not presented any newly discovered

evidence, mistakes in findings of fact, or errors of law that would warrant alteration of our 5 December decision. To the extent that appellant seeks a decision from a contracting officer on its claim, the government has indicated that it provided the contact information of the cognizant contracting officer to which appellant may submit its claim (*see* Bd. corr. file, gov't ltr. dtd. 5 January 2017). Accordingly, appellant's motion for reconsideration is denied.

Dated: 27 February 2017



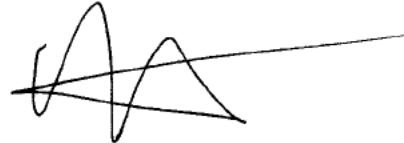
MICHAEL N. O'CONNELL
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



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

I concur



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. 60673, Appeal of [REDACTED] rendered in conformance with the Board's Charter.

Dated:

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