

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Rentfrow Inc.) ASBCA No. 60777
)
Under Contract No. N00178-06-D-4852)

APPEARANCE FOR THE APPELLANT: Ms. Tabea Rentfrow
President

APPEARANCES FOR THE GOVERNMENT: E. Michael Chiaparas, Esq.
DCMA Chief Trial Attorney
Srikanti Schaffner, Esq.
Trial Attorney
Defense Contract Management Agency
Carson, CA

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

On 2 September 2016, appellant appealed from a 25 July 2016 contracting officer's final decision asserting a government claim in the amount of \$633,824 for overpayments and unallowable direct costs under the captioned contract. The appeal was docketed by the Board on 6 September 2016. After failing to timely file its complaint pursuant to Board Rule 6(a) and Board Order dated 20 October 2016, the Board's 7 November 2016 Order directed appellant to file its complaint by 21 November 2016 or the Board would designate the 2 September notice of appeal as the complaint. After receiving no response, the Board's 22 November 2016 Order designated the notice of appeal as the complaint.

The Board's 29 December 2016 Order directed the parties to advise whether they desired a hearing, submission without a hearing pursuant to Board Rule 11, or Alternative Disputes Resolution to resolve the appeal. In its response, the government indicated that its attempts to confer with appellant to discuss a discovery schedule were unsuccessful. No response to the 29 December Order was received from appellant. The Board's 1 March 2017 Order directed appellant to respond to the 29 December Order and advised it that a failure to comply with the 1 March Order could result in the Board ordering it to show cause why the appeal should not be dismissed pursuant to Board Rule 17 for failure to prosecute. No response was received.

By Order dated 21 March 2017, the Board directed appellant, within 21 days of the date of the Order, to show cause why the appeal should not be dismissed for lack of

prosecution. Appellant received the Show Cause Order on 27 March 2017. To date, the Board has received no response from appellant.

Accordingly, this appeal is dismissed with prejudice under Board Rule 17 for failure to prosecute.

Dated: 18 April 2017



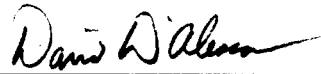
MARK N. STEMLER
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

I concur



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

I concur



DAVID D'ALESSANDRIS
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. 60777, Appeal of Rentfrow Inc., rendered in conformance with the Board's Charter.

Dated:

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