

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
 )  
Rover Construction Company ) ASBCA No. 60703  
 )  
Under Contract No. W91B4L-11-P-0115 )

APPEARANCE FOR THE APPELLANT: Mr. Al Waris  
Director

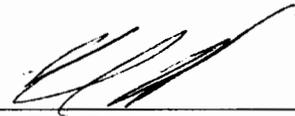
APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
MAJ Elinor J. Kim, JA  
MAJ Julie A. Glascott, JA  
CPT William T. Wicks, JA  
Trial Attorneys

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

By order dated 15 September 2017 as amended by an order dated 13 October 2017, we established a schedule for the resolution of this appeal. The 15 September 2017 order required appellant Rover Construction Company (Rover) to file any supplement to the Rule 4 file on or before 22 September 2017. No supplement was filed until Rover made a short submittal of documents on 11 October 2017 without any explanation or request for an extension. As a consequence of this late filing and the government's apparent willingness to allow it so long as it was given an extension of time to respond, we issued our 13 October 2017 order revising and extending the briefing schedule. Rover's opening brief pursuant to Board Rule 11 was due on 18 December 2017. Rover filed no brief or any other document with the Board and we are aware of no attempts made by Rover to communicate with us. On 10 January 2018 we issued an order to Rover requiring it, by 24 January 2018, to explain why it did not submit its brief in a timely manner and to submit its brief on the same date. This order explained that if we had no response from Rover by the 24 January 2018 deadline, "Rover's appeal may be dismissed without further notice."

The 24 January 2018 deadline has come and gone with no response, whatsoever, from Rover. Thus, in accordance with Board Rule 17, this appeal is dismissed for failure to prosecute.

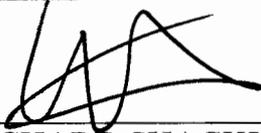
Dated: 5 February 2018



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J. REID PROUTY  
Administrative Judge  
Vice Chairman  
Armed Services Board  
of Contract Appeals

I concur



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

I concur



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OWEN C. WILSON  
Administrative Judge  
Vice Chairman  
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. 60703, Appeal of Rover Construction Company, rendered in conformance with the Board's Charter.

Dated:

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