

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
)  
John Shaw LLC d/b/a Shaw Building Maintenance ) ASBCA No. 61379  
)  
Under Contract No. AAFES REZ-09-002-10-026 )

APPEARANCE FOR THE APPELLANT: Mr. John Shaw, Jr.  
Owner

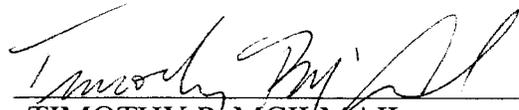
APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.  
Army Chief Trial Attorney  
CPT John M. McAdams III, JA  
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE MCILMAIL  
ON APPELLANT'S MOTION TO AMEND COMPLAINT

Only this month we denied appellant's motion to amend its complaint to add a request for punitive damages, explaining that we have no authority to award such damages. *John Shaw LLC d/b/a Shaw Building Maintenance*, ASBCA No. 61379, slip op. at 1-2 (Mar. 8, 2018). Now appellant requests leave to amend its complaint to request *exemplary* damages, which, it says, are the same thing as punitive damages. We do not have authority to award punitive or exemplary damages. *Daiei Denki Co.*, ASBCA No. 29756, 86-2 BCA ¶ 18,840 at 94,951. Appellant cites *Erwin Pfister General-Bauunternehmen*, ASBCA No. 43980 *et al.*, 01-2 BCA ¶ 31,431, but we did not award exemplary damages in those appeals; we dismissed those appeals. *Id.* at 155,226.

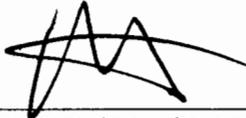
Appellant's motion for leave to amend its complaint is denied.

Dated: 3 April 2018

  
TIMOTHY P. MCILMAIL  
Administrative Judge  
Armed Services Board  
of Contract Appeals

(Signatures continued)

I concur



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

I concur



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J. REID PROUTY  
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. 61379, Appeal of John Shaw LLC d/b/a Shaw Building Maintenance, rendered in conformance with the Board's Charter.

Dated:

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