

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Courtney Ake) ASBCA No. 61610
)
Under Contract No. W81K00-17-P-0718)

APPEARANCE FOR THE APPELLANT: Ms. Courtney Ake

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
MAJ Ronald M. Herrmann, JA
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE MCILMAIL

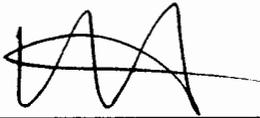
On July 6, 2018, the government moved to dismiss the appeal for lack of jurisdiction. Appellant never responded. On October 4, 2018, the Board ordered appellant to respond, by October 19, 2018, to the government’s motion, warning that failure to do so would result in an order to show cause why the appeal should not be dismissed with prejudice for failure to prosecute the appeal or comply with Board orders under Board Rule 17. We received no response. On October 23, 2018, the Board ordered appellant, by November 6, 2018, to show cause why the appeal should not be dismissed with prejudice for failure to prosecute the appeal or comply with Board orders under Board Rule 17. No response has been filed to date. We find that appellant has deliberately ignored the Board’s rules and orders, and gave no consideration to the Board’s attempts to efficiently process the appeal. Accordingly, the appeal is dismissed with prejudice for failure to prosecute the appeal or comply with Board orders under Board Rule 17. *See Suodor Al-Khair Co-SAKCO for General Trading*, ASBCA Nos. 59036, 59037, 16-1 BCA ¶ 36,312 at 177,047; *Bulloch International, Inc.*, ASBCA No. 44210, 93-2 BCA ¶ 25,692 at 127,808 (citing *Line v. Wabash R. Co.*, 370 U.S. 626 (1962)), and noting Board’s “general authority” to dismiss with prejudice for failure to prosecute). Accordingly, the government’s motion to dismiss is moot.

Dated: November 26, 2018


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

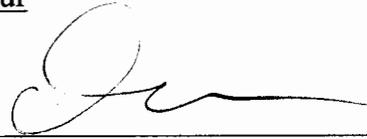
(Signatures continued)

I concur



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

I concur



OWEN C. WILSON
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. 61610, Appeal of Courtney Ake, rendered in conformance with the Board's Charter.

Dated:

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