

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -- )  
)  
Simon Defense Inc. ) ASBCA No. 62068  
)  
Under Contract No. SPE7L3-17-P-0429 )

APPEARANCE FOR THE APPELLANT: Mr. C. James Calleson  
President

APPEARANCES FOR THE GOVERNMENT: Daniel K. Poling, Esq.  
DLA Chief Trial Attorney  
Colleen T. Loughran, Esq.  
Adam J. Heer, Esq.  
Trial Attorneys  
DLA Land and Maritime  
Columbus, OH

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

On July 26, 2019, the Board ordered appellant, within 21 days, to file its complaint or notify the Board if more time was needed and why. The Order was sent to appellant by U.S. mail to the business address provided by C. James Calleson, appellant's President and Director of Operations, but was returned to the Board as undeliverable. On August 23, 2019, the Board attempted to contact appellant by telephone using three different numbers associated with appellant, but was unsuccessful. The Board then emailed appellant on the same date requesting updated contact information, but appellant did not respond.

On September 3, 2019, the Board emailed appellant using appellant's business email address and Mr. Calleson's personal email address, again requesting appellant contact the Board, but did not receive a reply. On September 4, 2019, the Board ordered appellant, within 21 days, to either file a complaint or show cause why the appeal should not be dismissed for failure to prosecute. The Order was sent to appellant by email to appellant's email address, Mr. Calleson's personal email address, and by certified U.S. Postal Service mail. This Order was returned to the Board as undeliverable.

Appellant has failed to respond to Board Orders dated July 26, 2019 and September 4, 2019, and has repeatedly failed to respond to the Board's emails requesting updated

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

Dated: October 2, 2019



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JOHN J. THRASHER  
Administrative Judge  
Chairman  
Armed Services Board  
of Contract Appeals

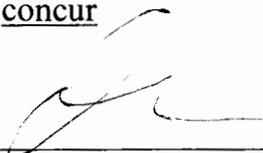
I concur



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RICHARD SHACKLEFORD  
Administrative Judge  
Vice 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. 62068, Appeal of Simon Defense Inc., rendered in conformance with the Board's Charter.

Dated:

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PAULLA K. GATES-LEWIS  
Recorder, Armed Services  
Board of Contract Appeals