

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
Sundance Construction, LLC) ASBCA No. 62765
Under Contract No. FA9401-17-C-0010)

APPEARANCE FOR THE APPELLANT: Mr. Scott Turcotte
Managing Member

APPEARANCES FOR THE GOVERNMENT: Jeffrey P. Hildebrant, Esq.
Deputy Chief Trial Attorney
Lori R. Shapiro, Esq.
Rebecca Tatum, Esq.
Trial Attorneys

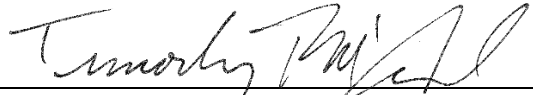
OPINION BY ADMINISTRATIVE JUDGE MCILMAIL

On March 1, 2022, the Board ordered that, no later than March 18, 2022, appellant respond to the government’s November 12, 2021 motion for an order to show cause why the appeal should not be dismissed for failure to prosecute or comply with Board rules and orders. Appellant never responded. On April 12, 2022, the Board ordered that, no later than April 22, 2022, appellant shall show cause why the appeal should not be dismissed with prejudice for failure to prosecute or comply with Board orders; we warned that “[a]ppellant should expect no further opportunity to address whether the appeal should be dismissed with prejudice for failure to prosecute or comply with Board orders.” Appellant has not complied with that order.* Appellant has deliberately ignored the Board’s orders, and has given no consideration to the Board’s attempts to efficiently process the appeal. Accordingly, and taking into account that appellant appears before us pro se, the appeal is dismissed with prejudice for failure to prosecute the appeal or comply with Board orders under Board Rule 17.

* On July 7, 2022, appellant filed with the Board a request for an update on the status of the appeal, but did not address why the appeal should not be dismissed.

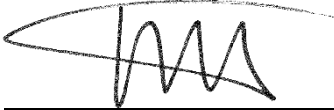
Phoenix Hawk Constr. Co., ASBCA No. 60987, 21-1 BCA ¶ 37,761 at 183,308 (pro se); *Courtney Ake*, ASBCA No. 61610, 2018 WL 6578658 (Nov. 26, 2018) (same; citing cases).

Dated: July 18, 2022



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

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. 62765, Appeal of Sundance Construction, LLC, rendered in conformance with the Board's Charter.

Dated: July 19, 2022



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