

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
)
At Ease Sustainment LLC) ASBCA No. 63083
)
Under Contract No. SPE1C1-21-D-1421)

APPEARANCE FOR THE APPELLANT: Randy E. Kleinman, Esq.
Gerstman Schwartz, LLP
Garden City, NY

APPEARANCES FOR THE GOVERNMENT: Daniel K. Poling, Esq.
DLA Chief Trial Attorney
Lindsay A. Salamon, Esq.
Kelly L. Diaz-Albertini, Esq.
Robert L. Kieffer, Esq.
Trial Attorneys
DLA Troop Support
Philadelphia, PA

ORDER OF DISMISSAL

By email dated November 3, 2021, appellant filed a notice of appeal with the Board, which was docketed on November 8, 2021. Between August 23, 2022, and November 21, 2022, appellant failed to respond to several Board Orders directing appellant to submit its election of procedure. The Board sent each Order to the email address utilized by appellant to file its notice of appeal. Additionally, the Board attempted to contact appellant's counsel via phone and left a message on December 19, 2022. To date, no response has been received.

By Order dated December 22, 2022, appellant was directed, within 21 days, to either file its election of procedure or show cause why the appeal should not be dismissed for failure to prosecute. The Show Cause Order was distributed to the parties on December 23, 2022, but appellant has not responded. Accordingly, the above appeal is dismissed with prejudice under Board Rule 17.

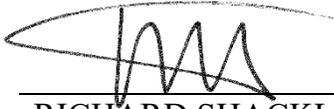
Dated: January 24, 2023



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

(Signatures continued)

I concur



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

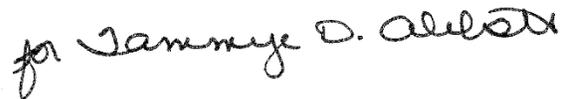
I concur



OWEN C. WILSON
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA No. 63083, Appeal of At Ease Sustainment LLC, rendered in conformance with the Board's Charter.

Dated: January 24, 2023



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