

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
)
Safaa Al-Rawaby Company) ASBCA No. 63146
)
Under Contract No. H92277-21-C-0013)

APPEARANCE FOR THE APPELLANT: Bayrak Abbas Fadel
General Manager

APPEARANCES FOR THE GOVERNMENT: Caryl A. Potter, III, Esq.
Air Force Deputy Chief Trial Attorney
Maj James B. Leighton, USAF
Trial Attorney

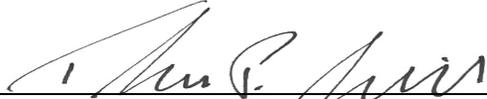
OPINION BY ADMINISTRATIVE JUDGE MCLISH
ON APPELLANT’S MOTION FOR RECONSIDERATION

The March 17, 2023, request by appellant Safaa Al-Rawaby Company (Safaa) for reconsideration of our March 15, 2023, decision is denied. A party moving for reconsideration “must demonstrate a compelling reason for the Board to modify its decision. . . . [In doing so] we look to whether there is newly discovered evidence or whether there were mistakes in the decision’s findings of fact, or errors of law.” *Golden Build Co.*, ASBCA No. 62294, 20-1 BCA ¶ 37,742 at 183,161 (quoting *Bruce E. Zoeller*, ASBCA No. 56578, 14-1 BCA ¶ 35,803 at 175,103). Under Board Rule 20, a motion for reconsideration “shall set forth specifically the grounds relied upon to grant the motion.” A motion that lacks specificity in the alleged grounds for reconsideration does not satisfy the requirements of Rule 20. *A.A.K.C.C.*, ASBCA No. 60399, 19-1 BCA ¶ 37,381 at 181,721; *Anis Avasta Constr. Co.*, ASBCA No. 61107, 18-1 BCA ¶ 37,060 at 180,408. Thus, we have repeatedly denied purported motions for reconsideration that do not specifically describe the grounds upon which the motion is based. *See, e.g., Golden Build*, 20-1 BCA ¶ 37,742; *A.A.K.C.C.*, 19-1 BCA ¶ 37,381; *Anis Avasta*, 18-1 BCA ¶ 37,060.

Here, Safaa’s motion merely notes that our decision did not provide for any compensation to Safaa and requests “once again” that we find Safaa is due compensation in the amount of \$212,313 (app. mot. at 1). It offers no grounds—let alone specific grounds—as to how our decision may have been mistaken in its findings

of fact or based on errors of law, nor does it identify any newly discovered evidence. Because the motion does not satisfy Rule 20 or the standard for reconsideration, it is denied.

Dated: April 10, 2023



THOMAS P. MCLISH
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



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

I concur



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. 63146, Appeal of Safaa Al-Rawaby Company, rendered in conformance with the Board's Charter.

Dated: April 10, 2023



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