

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
)
PAE Applied Technologies LLC) ASBCA No. 63233
)
Under Contract No. N66604-05-C-1277)

APPEARANCES FOR THE APPELLANT: Nicole J. Owren-Wiest, Esq.
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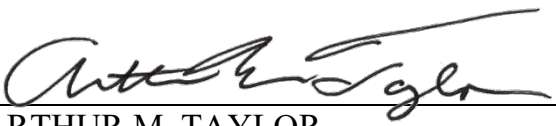
APPEARANCES FOR THE GOVERNMENT: Craig D. Jensen, Esq.
Navy Chief Trial Attorney
Devin A. Wolak, Esq.
Trial Attorney

OPINION BY ADMINISTRATIVE JUDGE TAYLOR

On March 2, 2022, a Department of the Navy (Navy or government) contracting officer issued a claim demanding payment from PAE Applied Technologies LLC (PAE) for the reimbursement of certain previously billed and paid costs. PAE appealed the Navy’s claim to the Board. By motion dated December 19, 2023, the parties jointly requested the Board dismiss the appeal with prejudice since the contracting officer unequivocally withdrew the government’s demand and indicated she does not intend to further pursue the disallowance of the costs that are the subject of this appeal. In support of their motion, the parties included the contracting officer’s Declaration in which she indicated she had “reconsidered the position stated in the Demand Letter” and her withdrawal of the demand letter is “unequivocal.”

“It is well established that when a contracting officer unequivocally rescinds a government claim, the government’s action moots the appeal, leaving the Board without jurisdiction to entertain the appeal further.” *Scot Cardillo dba Eng’rs Tooling Support*, ASBCA No. 62051, 22-1 BCA ¶ 38,153 at 185,297 (citations omitted). Accordingly, the appeal is dismissed as moot.

Dated: December 26, 2023


ARTHUR M. TAYLOR
Administrative Judge
Armed Services Board
of Contract Appeals

(Signatures continued)

I concur



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

I concur



MICHAEL N. O'CONNELL
Administrative Judge
Acting 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. 63233, Appeal of PAE Applied Technologies LLC, rendered in conformance with the Board's Charter.

Dated: December 26, 2023



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