

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
)
Government Training LLC) ASBCA No. 63970
)
Under Contract No. SP4702-21-D-0006)

APPEARANCE FOR THE APPELLANT: Mr. Don W. Dickson
Vice President
Woodbine, GA

APPEARANCES FOR THE GOVERNMENT: Daniel K. Poling, Esq.
DLA Chief Trial Attorney
John J. Pritchard, Esq.
Jack Myers, Esq.
Trial Attorneys
Columbus, OH

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

On September 12, 2024, Government Training LLC (GTL) filed its notice of appeal with the Board contesting a contracting officer's final decision denying all of GTL's claims under Contract No. SP702-21-D-006. Throughout September and October 2024, GTL filed a complaint, a motion for reconsideration, objections to the Defense Logistics Agency's (DLA's) Rule 4 file, a motion for summary judgment, and numerous emails and other documents. DLA filed its answer and several other documents.

In an Order dated October 28, 2024, the Board requested a status report from each party identifying and summarizing outstanding matters, among other things, due by November 12, 2024. Upon receiving this information, the Board conferred with the parties and scheduled a conference call to be held on November 26, 2024. GTL failed to attend the call despite emails from the Board and DLA reminding GTL of the conference. Later, GTL's representative explained he inadvertently missed the call. The Board conferred with the parties and scheduled another call for December 3, 2024. As with the prior call, only counsel representing DLA attended; GTL's representative did not attend.

As a result, the Board issued an Order dated December 5, 2024, ordering GTL provide specific information relating to its appeal no later than December 13, 2024. GTL failed to provide this information to the Board. In the same order, the Board also required the parties provide a statement and schedule on how to proceed by


December 13, 2024. On that date, DLA provided information showing it emailed GTL to discuss the appeal. GTL never responded to DLA. We note that in the December 5, 2024 Order, the Board expressed concern for GTL's representative, hoped he was well, encouraged GTL to review Board Rule 17, Dismissal or Default for Failure to Prosecute or Defend, and explained the rule.

On January 6, 2025, the Board issued an order for GTL to show cause why the appeal should not be dismissed for failure to prosecute. We noted in the order that GTL failed to attend two conference calls with the Board, respond to orders issued by the Board, and respond to requests from DLA. We advised GTL that if it did not respond to the order by February 28, 2025, the Board intended to dismiss the appeal with prejudice for failure to prosecute with no further notice to the parties. GTL failed to respond to the order to show cause. DLA, however, provided information showing that GTL's representative may have passed away. Email from DLA to Board (Feb. 28, 2025, 11:19 am EDT).

In light of the information from DLA, the Board attempted to contact GTL by other methods. Specifically, the Board emailed two individuals listed on GTL's website. The Board received one response that the message was "undeliverable." Email from EEMSG to Board (Feb. 27, 2025, 1:01 pm EDT). The other message was delivered to the recipient, but the Board did not receive a response. Email from Board to B. Musick (Feb. 24, 2025, 1:03 pm EDT). The Board also called the three phone numbers listed on GTL's website multiple times and received a message that the number was no longer in service or was restricted and to contact customer service. When the Board called the customer service number, it went to voicemail, which was full.

In light of the foregoing, this appeal is dismissed with prejudice for failure to prosecute, pursuant to Board Rule 17.

Dated: March 12, 2025


LAURA EYESTER
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



J. REID PROUTY
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. 63970, Appeal of Government Training LLC, rendered in conformance with the Board's Charter.

Dated: March 12, 2025



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