ARMED SERVICES BOARD OF CONTRACT APPEALS
SKYLINE 6
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FALLS CHURCH VA 22041-3208

17 October 2002

MEMORANDUM FOR: THE SECRETARY OF DEFENSE
THE SECRETARY OF THE ARMY
THE SECRETARY OF THE NAVY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Report of Transactions and Proceedings of the Armed Services Board of Contract Appeals for the Fiscal Year Ending 30 September 2002

This report is furnished under paragraph 9 of the Charter of the Armed Services Board of Contract Appeals, revised 1 July 1979. The statistics reflect the adjudication of appeals of the Army, Navy, Air Force, Defense Logistics Agency (DLA), Defense Contract Management Agency, and other defense agencies. Also included are appeals of various executive agencies which have been adjudicated under inter-agency arrangements, as provided in 41 U.S.C. § 607(c).

The following statistics cover the activities of the Board during the reporting period and the current reserve of pending matters:

A.	Appeals docketed during FY 2002 (includes 27 reinstatements)	435
B.	Appeals disposed of during FY 2002	559
C.	Number of Appeals Pending 1 October 1985	2074
	Number of Appeals Pending 1 October 1986	2096
	Number of Appeals Pending 1 October 1987	2503
	Number of Appeals Pending 1 October 1988	2355
	Number of Appeals Pending 1 October 1989	2321
	Number of Appeals Pending 1 October 1990	2462
	Number of Appeals Pending 1 October 1991	2367
	Number of Appeals Pending 1 October 1992	2198
	Number of Appeals Pending 1 October 1993	2027
	Number of Appeals Pending 1 October 1994	1977
	Number of Appeals Pending 1 October 1995	1822
	Number of Appeals Pending 1 October 1996	1543
	Number of Appeals Pending 1 October 1997	1325
	Number of Appeals Pending 1 October 1998	1266
	Number of Appeals Pending 1 October 1999	1223
	Number of Appeals Pending 1 October 2000	1088
	Number of Appeals Pending 1 October 2001	906
	Number of Appeals Pending 1 October 2002	782
	Net Decrease in Docket, FY 2002	124

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D. Source of Appeals Docketed FYs 1998-2002

	FY 98	FY 99	FY 00	FY 01	FY 02
Air Force	147	129	88	101	67
Army	148	125	108	113	83
Corps of Eng	104	92	177	113	96
Navy	171	165	153	96	98
DLA & DCMA	93	53	89	41	39
Other	75	50	54	21	25
Reinstated	58	49	53	54	27
TOTAL	796	663	722	539	435

E. Status of Appeals Pending End of FY 2002 (includes 13 Rule 12s):

Complaint Due	92
Answer Due	52
Discovery	333
To Be Set	29
Hearing Set	107
Transcript & Briefs Due	25
Suspense	18
Ready to Write	126
TOTAL	782

F. Appeals Disposed of During FYs 1998-2002

		FY 98	FY 99	FY 00	FY 01	FY 02
1.	Origin of Appeals:					
	Air Force	131	124	163	140	121
	Army	160	138	166	161	76
	Corps of Eng	110	100	161	140	108
	Navy	254	163	188	165	177
	DLA & DCMA	131	82	88	72	39
	Other Agencies	60	90	81	39	34
	Admin. Disposal	9	9	10	4	4
	TOTAL	855	706	857	721	559
2.	Rule 12 Proceedings	137	87	62	68	52
3.	Record only Disposition	120	86	152	124	110
4.	Disposition:					
	Dismissed	583	484	590	450	354
	Denied	118	82	81	114	75
	Sustained	154	140	186	157	130
	TOTAL	855	706	857	721	559

Of the Board's 782 active appeals, the Air Force has 100 (12.8%), the Army has 150 (19.2%), the Corps of Engineers has 183 (23.4%), the Navy has 194 (24.8%), DLA and DCMA have 100 (12.8%), and the remaining 55 appeals (7.0%) are from other sources. At the conclusion of FY 2002, 2 of the appeals were court remands, 10 were applications under the Equal Access to Justice Act, 3 were motions for reconsideration, and 13 were being processed under Board Rule 12 (7 expedited and 6 accelerated).

During FY 2002, 20 appeals of ASBCA decisions were docketed at the U.S. Court of Appeals for the Federal Circuit and 23 appeals were pending at the end of the year. One appeal was pending at a Federal District Court because it involved a maritime matter. As in prior years, no requests were received from District Courts for an advisory opinion under the Cochran Amendment (41 U.S.C. § 609(f)).

During FY 2002, parties requested the Board's ADR services 79 times, covering 126 appeals and 13 undocketed disputes. This compares to 83 requests received in FY 2001. Of the 79 requests, 32 were for binding ADR, while the remaining 47 requests were for non-binding ADR. Three requests were withdrawn involving three appeals: one for binding ADR and two for now-binding ADR. The 31 remaining requests for binding ADR covered 63 appeals. The remaining 45 requests for non-binding ADR covered 73 matters (60 appeals and the 13 undocketed disputes). Twenty-three requests received this year were pending at the close of the fiscal year: 5 requests for binding ADR, covering 10 appeals; and 18 requests for non-binding ADR, covering 24 matters. Of the 49 matters subject to non-binding procedures initiated and concluded during the year, 45 were successfully resolved.

Paul Williams

PAUL WILLIAMS
Chairman