ARMED SERVICES BOARD OF CONTRACT APPEALS
SKYLINE 6
5109 LEESBURG PIKE
FALLS CHURCH VA 22041-3208

31 October 2001

REPLY TO
ATTENTION OF

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 2001

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 activities of the Board during the reporting period and the current reserve of pending matters:

A.	Appeals docketed during FY 2001 (includes 54 reinstatements)	539
B.	Appeals disposed of during FY 2001	721
C.	Number of Appeals Pending 1 October 1984	1729
	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
	Net Decrease in Docket, FY 2001	182

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D. Source of Appeals Docketed FYs 1997-2001

	FY 97	FY 98	FY 99	FY 00	FY01
Air Force	140	147	129	88	101
Army	183	148	125	108	113
Corps of Eng	101	104	92	177	113
Navy	224	171	165	153	96
DLA & DCMA	109	93	53	89	41
Other	78	75	50	54	21
Reinstated	88	58	49	53	54
TOTAL	923	796	663	722	539

E. Status of Appeals Pending End of FY 2001 (includes 18 Rule 12s):

Complaint Due	110
Answer Due	61
Discovery	341
To Be Set	37
Hearing Set	162
Transcript & Briefs Due	49
Suspense	25
Ready to Write	121
TOTAL	906

F. Appeals Disposed of During FYs 1997-2001

		FY 97	FY 98	FY 99	FY 00	FY 01
1.	Origin of Appeals:					
	Air Force	177	131	124	163	140
	Army	277	160	138	166	161
	Corps of Eng	111	110	100	161	140
	Navy	375	254	163	188	165
	DLA & DCMA	106	131	82	88	72
	Other Agencies	79	60	90	81	39
	Admin. Disposal	16	9	9	10	4
	TOTAL					721
2.	Rule 12 Proceedings	173	137	87	62	68
3.	Record only Disposition	165	120	86	152	124
4.	Disposition:					
	Dismissed	823	583	484	590	450
	Denied	175	118	82	81	114
	Sustained	143	154	140	186	157
	TOTAL	1141	855	706	857	721

Of the Board's 906 active appeals, the Air Force has 152 (16.8%), the Army has 139 (15.3%), the Corps of Engineers has 186 (20.5%), the Navy has 268 (29.6%), DLA and DCMA have 98 (10.8%), and the remaining 63 appeals (7.0%) are from other sources. At the conclusion of FY 2001, 1 of the appeals was a court remand, 17 were applications under the Equal Access to Justice Act, 7 were motions for reconsideration, and 18 were being processed under Board Rule 12 (3 expedited and 15 accelerated).

During FY 2001, 27 appeals of ASBCA decisions were docketed at the U.S. Court of Appeals for the Federal Circuit and 35 appeals were pending at the end of the year. One appeal was transferred to 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 2001, parties requested the Board's ADR services 83 times, covering 160 appeals and 7 undocketed disputes. This compares to 56 requests received in FY 2000 and represents an all-time high, in part because requests in connection with 43 appeals transferred as a result of the Engineer-Board merger. Of the 83 requests, 26 were for binding ADR, while the remaining 57 requests were for non-binding ADR. The requests for binding ADR covered 45 appeals. Two of the requests for non-binding ADR were withdrawn. The remaining 55 requests for non-binding ADR covered 120 matters (113 appeals and the 7 undocketed disputes). Eighteen requests were pending at the close of the fiscal year: 6 requests for binding ADR, covering 10 appeals; and 12 requests for non-binding ADR, covering 21 matters. Of the 99 matters subject to non-binding procedures initiated and concluded during the year, 94 were successfully resolved.

Paul Williams

PAUL WILLIAMS
Chairman