ARMED SERVICES BOARD OF CONTRACT APPEALS
SKYLINE SIX
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19 October 2000

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 2000

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), 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 2000 (includes 53 reinstatements)	722
B.	Appeals disposed of during FY 2000	857
C.	Number of Appeals Pending 1 October 1983	1695
	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
	Net Decrease in Docket, FY 2000	135

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D. Source of Appeals Docketed FYs 1996-2000

	FY 96	FY 97	FY 98	FY 99	FY 00
Air Force	169	140	147	129	88
Army	268	183	148	125	108
Corps of Eng	*	101	104	92	177
Navy	229	224	171	165	153
DLA	108	109	93	53	89
Other	235	78	75	50	54
Reinstated	96	88	58	49	53
TOTAL	1105	923	796	663	722

E. Status of Appeals Pending End of FY 2000 (includes 18 Rule 12s):

Complaint Due	76
Answer Due	81
Discovery	491
To Be Set	50
Hearing Set	145
Transcript & Briefs Due	57
Suspense	22
Ready to Write	166
TOTAL	1088

F. Appeals Disposed of During FYs 1996-2000

		FY 96	FY 97	FY 98	FY 99	FY 00
1.	Origin of Appeals:					
	Air Force	305	177	131	124	163
	Army	429	277	160	138	166
	Corps of Eng	*	111	110	100	161
	Navy	349	375	254	163	188
	DLA	126	106	131	82	88
	NASA	11	22	19	8	12
	Other Agencies	126	57	41	82	69
	Admin. Disposal	28	16	9	9	10
2.	Rule 12 Proceedings	147	173	137	87	62
3.	Record only Disposition	280	165	120	86	152
4.	Disposition:					
	Dismissed	969	823	583	484	590
	Denied	216	175	118	82	81
	Sustained	199	143	154	140	186
	TOTAL	1384	1141	855	706	857

*Corps of Engineers appeals prior to FY 97 were included in the Army appeals

Of the Board's 1,088 active appeals, the Army has 181 (16.6%), the Corps of Engineers has 188 (17.3%), the Navy has 326 (30%), the Air Force has 192 (17.6%), the DLA has 121 (11.1%), and the remaining 80 appeals (7.4%) are from other sources. At the conclusion of FY 00, 4 of the appeals were court remands, 23 were applications under the Equal Access to Justice Act, 4 were motions for reconsideration, and 18 were being processed under Board Rule 12 (7 expedited and 11 accelerated).

At the close of FY 00, the U.S. Court of Appeals for the Federal Circuit had 24 cases on its docket relating to ASBCA decisions. The Board is not aware of any appeals pending before District Courts relating to ASBCA decisions. No requests have been received from District Courts for an advisory opinion under the Cochran Amendment (41 U.S.C. § 609(f)).

During the fiscal year, the parties requested the Board's ADR services 56 times, covering 72 appeals and 4 pre-appeal disputes. The cases varied in amount from over fifteen thousand dollars to millions of dollars. Of the 56 requests, 23 were for binding ADR, while the remaining 33 requests were for non-binding ADR. Only one of the ADR procedures finalized during FY 00 was unsuccessful.

In July 2000, the Corps of Engineers Board of Contract Appeals was merged into the ASBCA in order to provide the defense community with a more cost effective and productive dispute resolution organization. The Engineer Board's docket of pending appeals as well as its four highly qualified administrative judges have joined the ASBCA at the ASBCA's current location.

MARK N. STEMPLER
Acting Chairman