ARMED SERVICES BOARD OF CONTRACT APPEALS
SKYLINE 6
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4 December 2003

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 2003

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 2003 (includes 41 reinstatements)	429
B.	Appeals disposed of during FY 2003	539
C.	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
	Number of Appeals Pending 1 October 2003	672
	Net Decrease in Docket, FY 2003	110

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D. Source of Appeals Docketed FYs 1999-2003

	FY 99	FY 00	FY 01	FY 02	FY 03
Air Force	129	88	101	67	42
Army	125	108	113	83	70
Corps of Eng	92	177	113	96	129
Navy	165	153	96	98	82
DLA & DCMA	53	89	41	39	44
Other	50	54	21	25	21
Reinstated	49	53	54	27	41
TOTAL	663	722	539	435	429

E. Status of Appeals Pending End of FY 2003 (includes 18 Rule 12 appeals)

Complaint Due	73
Answer Due	54
Discovery	219
To Be Set	42
Hearing Set	111
Transcript & Briefs Due	57
Suspense	35
Ready to Write	81
TOTAL	672

F. Appeals Disposed of During FYs 1999-2003

		FY 99	FY 00	FY 01	FY 02	FY 03
1.	Origin of Appeals:					
	Air Force	124	163	140	121	78
	Army	138	166	161	76	106
	Corps of Eng	100	161	140	108	94
	Navy	163	188	165	177	127
	DLA & DCMA	82	88	72	39	92
	Other Agencies	90	81	39	34	36
	Admin. Disposal	9	10	4	4	6
	TOTAL	706	857	721	559	539
2.	Rule 12 Proceedings	87	62	68	52	26
3.	Record only Dispositions	86	152	124	110	141
4.	Disposition:					
	Dismissed	484	590	450	354	357
	Denied	82	81	114	75	65
	Sustained	140	186	157	130	117
	TOTAL	706	857	721	559	539

Of the Board's 672 active appeals, the Air Force has 63 (9.4%), the Army has 124 (18.5%), the Corps of Engineers has 221 (32.9%), the Navy has 165 (24.6%), DLA and DCMA have 60 (8.9%), and the remaining 39 appeals (5.8%) are from other sources. At the conclusion of FY 2003, 4 of the appeals were court remands, 18 were applications under the Equal Access to Justice Act, 15 were motions for reconsideration, and 18 were being processed under Board Rule 12 (4 expedited and 14 accelerated).

During FY 2003, 22 appeals of ASBCA decisions were docketed at the U.S. Court of Appeals for the Federal Circuit and 21 appeals were pending at the end of the year. One appeal involving a maritime matter was docketed and pending at a Federal District Court .

During FY 2003, parties requested the Board's ADR services 42 times, covering 76 appeals and 11 undocketed disputes. This compares to 79 requests received in FY 2002. Of the 42 requests, 11 were for binding ADR, while the remaining 31 requests were for non-binding ADR. One request for a non-binding ADR of a pending appeal was withdrawn. The 11 requests for binding ADR covered 16 appeals. The remaining 30 requests for non-binding ADR covered 70 matters (59 appeals and the 11 undocketed disputes). Twenty requests received this year were pending at the close of the fiscal year: 7 requests for binding ADR, covering 8 appeals; and 13 requests for non-binding ADR, covering 33 matters. Of the 37 matters subject to non-binding procedures initiated and concluded during the year, 36 were successfully resolved.

PAUL WILLIAMS
Chairman