



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: December 6, 2010

CBCA 2158

MACROSYSTEMS,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Kenneth A. Martin of The Martin Law Firm, P.L.L.C., McLean, VA, counsel for Appellant.

Jennifer L. Howard, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **BORWICK**, **GOODMAN**, and **McCANN**.

McCANN, Board Judge.

Both parties have filed motions to dismiss on the grounds that this Board lacks jurisdiction over this matter because no claim has been filed and no final decision has been issued by the contracting officer. For this Board to have jurisdiction under the Contract Disputes Act, “[a]ll claims by a contractor against the government relating to a contracts shall be in writing and shall be submitted to the contracting officer for a decision.” 41 U.S.C. § 605(a) (2006).

On September 10, 2010, the contracting officer issued a modification to the contract, terminating the contract for the convenience of the Government. A termination for

convenience is not a final decision. *Bonner v. Department of Homeland Security*, CBCA 605, et al., 07-2 BCA ¶ 33,592. Subsequently, Macrosystems never filed a claim, seeking as a matter of right the payment of money in a sum certain. Accordingly, the contracting officer never issued a final decision. Without the filing of a claim and the issuance of a final decision, this Board lacks jurisdiction. *Id.*

Decision

The appeal is **DISMISSED FOR LACK OF JURISDICTION.**

R. ANTHONY McCANN
Board Judge

We concur:

ANTHONY S. BORWICK
Board Judge

ALLAN H. GOODMAN
Board Judge