



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

MOTION FOR SUMMARY RELIEF DENIED: September 1, 2011

CBCA 2127

SAMUEL A. RUBINO,

Appellant,

v.

AGENCY FOR INTERNATIONAL DEVELOPMENT,

Respondent.

Samuel A. Rubino, pro se, Linn Creek, MO.

Sarah G. Rapawy, Office of the General Counsel, Agency for International Development, Washington, DC, counsel for Respondent.

Before Board Judges **GILMORE**, **GOODMAN**, and **WALTERS**.

WALTERS, Board Judge.

This appeal involves a claim by appellant, Samuel A. Rubino, for monies allegedly owed by respondent, the Agency for International Development, for termination of appellant's personal services contract. Respondent has submitted a motion for summary judgment (which the Board takes as a motion for summary relief) dated August 31, 2011, urging that the appeal should be denied as a matter of law. The Board had denied a similar motion to dismiss on March 22, 2011, because we found there to be genuine issues of material fact yet to be resolved. The recent motion presents no additional facts that would alter the Board's opinion and merely restates and elaborates upon the same legal arguments that had been presented with the earlier motion and that this Board had considered fully and rejected. Accordingly, we find no basis for reaching a different result with the present motion.

Decision

The motion for summary relief is **DENIED**.

RICHARD C. WALTERS
Board Judge

We concur:

BERYL S. GILMORE
Board Judge

ALLAN H. GOODMAN
Board Judge