



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED FOR LACK OF JURISDICTION: April 7, 2015

CBCA 4518, 4519

UNITED SYSTEMS OF ARKANSAS, INC.,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Joel F. Hoover and Ashlea Brown of Hewland & Associates, PLLC, of Little Rock, AR, counsel for Appellant.

Jeffri Pierre, Office of General Counsel, Department of Health and Human Services, Baltimore, MD, and Richard Bergeron, Office of General Counsel, Department of Health and Human Services, Washington, DC, counsel for Respondent.

Daniel P. Graham and Christine Reynolds of Wiley Rein LLP, Washington, DC, counsel for Group Health Inc. (interested third party).

Before Board Judges **DANIELS** (Chairman), **VERGILIO**, and **GOODMAN**.

**VERGILIO**, Board Judge.

United Systems of Arkansas, Inc. (subcontractor, not a party to the underlying contract), filed appeals at the Board each concerning a contracting officer's decision which asserted a claim directly against the subcontractor under a contract between the Department of Health and Human Services (agency) and Group Health Inc. (contractor). A motion and cross-motion from the subcontractor and agency, respectively, ask the Board to dismiss for lack of jurisdiction. The parties recognize the statutory requirements for Board jurisdiction. The contractor has not brought or sponsored the appeals and the contracting officer did not issue a decision directly to the contractor. 41 U.S.C. §§ 7101(7), 7103(a)(3), 7104 (2012). Because a decision by the Government against the contractor is lacking, as is a claim by the

contractor against the Government, the Board lacks jurisdiction to address or resolve the apparent dispute between the agency and subcontractor.

Accordingly, the Board does not reach the merits of the appeals; instead, the appeals are **DISMISSED FOR LACK OF JURISDICTION**.

We concur:

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JOSEPH A. VERGILIO  
Board Judge

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STEPHEN M. DANIELS  
Board Judge

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ALLAN H. GOODMAN  
Board Judge