



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: December 6, 2017

CBCA 5898

COOVERCLARK & ASSOCIATES,

Appellant,

v.

DEPARTMENT OF LABOR,

Respondent.

Jon Taylor Benson of Benson Law Office, Colorado Springs, CO, counsel for Appellant.

Dennis Adelson and Savannah L. Wilson, Office of the Solicitor, Department of Labor, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS** (Chair), **BEARDSLEY**, and **RUSSELL**.

SOMERS, Board Judge.

Appellant, Cooverclark & Associates (Cooverclark), submitted a request for an equitable adjustment (REA) to the contracting officer. Cooverclark appealed the contracting officer's final decision. After issuing her final decision, the contracting officer informed Cooverclark in response to its request to continue joint discussions that "the Government is willing to meet with your firm to further discuss the REA." Subsequently, the contracting officer formally rescinded her decision. The parties have jointly requested that the appeal be dismissed without prejudice for lack of jurisdiction.

The Contract Disputes Act provides that all claims relating to government contracts shall be the subject of decisions by contracting officers. 41 U.S.C. § 7104(a) (2012). In the absence of a contracting officer's final decision or the passage of time leading to a deemed denial, we do not possess jurisdiction over the appeal. *See, e.g., Olympus America Inc. v. Department of Veterans Affairs*, CBCA 5594, 2017 WL 214386 (Jan. 17, 2017); *American Business Corp. v. Department of Labor*, CBCA 637, 07-1 BCA ¶ 33,524 (citing *Monster Government Solutions, Inc. v. Department of Homeland Security*, DOTBCA 4532, 06-1 BCA ¶ 33,236, *aff'd on reconsideration*, 06-2 BCA ¶ 33,312 (citations omitted)).

Decision

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

JERI K. SOMERS
Board Judge

We concur:

ERICA S. BEARDSLEY
Board Judge

BEVERLY M. RUSSELL
Board Judge