

ANNUAL REPORT

United States Civilian Board of Contract Appeals



Fiscal Year 2024

October 1, 2023 – September 30, 2024

MESSAGE FROM THE CHAIR



Over the past year, the CBCA has continued to deliver on its mission to provide a “just, informal, expeditious, and inexpensive resolution” of contract disputes for the Government and its contractors.

As the world continues to recover from the challenges brought by the pandemic, we have maintained a hybrid approach to hearings and mediations, successfully balancing in-person and virtual formats. This flexibility has allowed us to provide services in a more cost-effective manner, ensuring that all parties involved - no matter their location - have access to efficient dispute resolution. A more technologically robust hybrid courtroom and conference room are coming to the Board in Fiscal Year 2025. The technology enhancements will facilitate seamless hybrid hearings where some participants are present in the courtroom while others appear virtually. In expectation of more in-person hearings and mediations in the new year, the Board has also upgraded its security systems to ensure that hearings and mediations are safe and accessible for all participants.

Fiscal Year 2024 brought change to the makeup of the CBCA. In the summer of 2024, we welcomed two new judges, bringing our total to fourteen judges. Judge Daniel B. Volk joined the Board after many years with the United States Department of Justice, Civil Division, Commercial Litigation Branch, National Courts Section. Judge Elizabeth W. Newsom joined the Board after a long and varied career, including positions in Government and private practice, serving as in-house counsel with two major defense contractors, and serving as a member of the Armed Services Board of Contract Appeals. Their extensive experience in government contracts law has already proven to be a valuable addition to our Board, and we look forward to their continued contributions.

In Fiscal Year 2024, the Board also welcomed two full-time law clerks (Alexis Darrow and Phillip Boldt), summer law clerks, and spring and fall student law clerks. Chances are, if you are reading this annual report, you are one of, or know one of, our former clerks. Our law clerk program continues to thrive as we prioritize training future government contract lawyers.

The Board said goodbye to its long-serving Chief Counsel, James (Jim) A. Johnson, Jr., who retired in September 2024 to spend time being creative and traveling. Tara Mehrbach, Jim’s former Deputy Chief Counsel, assumed the Chief Counsel role upon Jim’s retirement. We all wish Jim a happy retirement and will miss him at the Board.

Our caseload remains strong, with 392 new cases docketed in Fiscal Year 2024, including 65 FEMA arbitration requests, another year-over-year increase from 46 FEMA arbitration requests in Fiscal Year 2023. Despite the growing workload, the Board’s fourteen judges and dedicated staff continue to meet deadlines and to deliver timely decisions, ensuring that all participants receive fair and thorough consideration.

While we had hoped to take our new electronic docketing system (EDS) live in Fiscal Year 2024, our beta testing revealed a few bugs which required some additional programming and testing. The Board intends to take the system live to the public by the end of calendar year 2024. This system is designed to streamline case management and to improve accessibility for the parties we serve. We are confident that this innovation will further enhance the Board’s efficiency and modernize the way we serve our constituents.

I am proud of our accomplishments this past year, and we are excited about the opportunities and challenges that lie ahead as we move into 2025.

Erica S. Beardsley, Chair

CBCA LAW CLERKS

2024-2025



Ms. Alexis "Lexi" Darrow is a 2024 graduate of Penn State Law – University Park. While in law school, Ms. Darrow was the Editor-in-Chief of the Arbitration Law Review and a teaching assistant for Penn State Law's Government Contracts Practice and Litigation course. She also interned at the Securities and Exchange Commission with both its Division of Trading and Markets and its Division of Examinations and was a summer associate with the law firm of Dunlap Bennett & Ludwig. Prior to law school, Ms. Darrow worked in management consulting at Accenture Federal Services. She received her B.A. in Government, with minors in Business and Communications, from The University of Texas at Austin in 2018.



Mr. Phillip Boldt is a 2024 graduate of the University of Wisconsin Law School. While in law school, Mr. Boldt was a Senior Managing Editor for the Wisconsin International Law Journal and President of the Maritime Law Society. He also externed at the United States District Court for the Northern District of Illinois, the Department of Transportation's Maritime Administration, and the United States Department of Justice, Civil Division, Torts Branch, Aviation, Space, & Admiralty Litigation Section. Before law school, Mr. Boldt worked as a project engineer for The Boldt Company. He graduated *cum laude* with a B.A. in Philosophy from St. Olaf College in 2018.

CBCA WELCOMES ITS NEW JUDGES

Judge Elizabeth W. Newsom Board Judge



Judge Elizabeth W. Newsom earned a B.A. cum laude in 1987 from the University of Pennsylvania and a J.D. with honors in 1992 from the George Washington University Law School, where she was a member of the George Washington Law Review. After law school, she clerked for Judge Lawrence Margolis at the United States Court of Federal Claims. Her career thereafter included positions in Government and private practice and as in-house counsel with two major defense contractors. She served for six years at the Department of Justice as a Trial Attorney, where she defended the United States primarily in contract disputes before the United States Court of Appeals for the Federal Circuit and the United States Court of Federal Claims. Judge Newsom also worked for thirteen years at Crowell & Moring in its Government Contracts group, where she rose through the ranks to become a partner. She subsequently joined Lockheed Martin Corporation, serving as Associate General Counsel from 2012–2014. From 2014–2018, she served as a member of the Armed Services Board of Contract Appeals, and from 2018–2024, she was Deputy Chief Counsel for BAE Systems. Judge Newsom is a current member of the Editorial Board of the Public Contract Law Journal and a former Co-Chair of the D.C. Bar Government Contracts and Litigation Section. She became a member of the Civilian Board of Contract Appeals in June 2024.

CBCA WELCOMES ITS NEW JUDGES

Judge Daniel B. Volk
Board Judge



Judge Daniel B. Volk earned a B.S. with honors and a B.A. cum laude in 2005 from the University of Maryland and a J.D. with honors in 2008 from the George Washington University Law School. A Presidential Merit Scholar at George Washington University Law School, he served as Editor in Chief of the Public Contract Law Journal. After law school, he clerked for former Chief Judge Edward J. Damich at the United States Court of Federal Claims from 2008–2010. Judge Volk then served with the United States Department of Justice, Civil Division, Commercial Litigation Branch, National Courts Section, first as a Trial Attorney from 2010–2019 and then as Senior Trial Counsel from 2019–2024, litigating on behalf of the United States before the United States Court of Appeals for the Federal Circuit and the United States Court of Federal Claims. He appeared as counsel of record in approximately 140 cases and as principal appellate counsel on matters that originated with the Civilian Board of Contract Appeals and the Armed Services Board of Contract Appeals. In addition, Judge Volk taught a government contracts course at George Washington University from 2010–2016. He became a member of the Civilian Board of Contract Appeals in June 2024.

CBCA EMPLOYEE RECOGNITION

Joyce Arthur and Adrienne West **Senior Paralegal Specialists**

The Board wishes to acknowledge the dedicated service of our senior paralegal specialists, Joyce Arthur and Adrienne West. Over the past few years, several of the Board's long-serving paralegals retired. Joyce and Adrienne stepped in to help the Board by taking on support of additional judges. Once new legal administrative specialists were hired, Joyce and Adrienne assisted with training and mentoring the new staff. Our paralegal specialists and our legal administrative specialists work together to provide our judges with excellent support. Joyce and Adrienne each assist the Board with critical administrative tasks as well. We appreciate Joyce and Adrienne for their dedication to the Board and for their years of service. Thank you, Joyce and Adrienne!

Charity Barnett **Deputy Clerk**

The Board wishes to acknowledge the dedicated service of Charity Barnett, the Deputy Clerk of the Board. In this role, Charity reviews and analyzes efilings to ensure compliance with Board rules, docket new cases, and acts as a liaison between parties and the Board. Charity also played a critical role in training the new legal administrative specialists who joined the Board in recent years. Charity coordinates all travel for the judges, provides administrative support to the Board's law clerk program, and fills in for the paralegal specialists and our legal administrative specialists. She does all of this with a consistently cheerful demeanor. Charity came to the Board in 2020 after retiring from a 20-year career in the United States Air Force as an active duty paralegal. Charity's commitment to public service is admirable and greatly appreciated. Many thanks to Charity for her dedication and service.

James A. Johnson, Jr., Chief Counsel, Retires

James A. Johnson, Jr., known to the Board as Jim, retired on September 30, 2024. Jim graduated cum laude from The University of Pennsylvania in 1976 with a B.A. in English and earned his J.D. from Georgetown University Law Center in 1982. Following law school, he briefly worked in private practice and clerked for Judge Joseph V. Colaianni at the United States Court of Federal Claims before joining the General Services Board of Contract Appeals (GSBCA) as legal counsel in 1986. Jim moved to the Board when its predecessor boards merged in January 2007. At the Board, Jim was an expert in editing Board decisions and other public-facing documents. His institutional knowledge (40+ years!) was invaluable to the Board. We thank Jim for his many years of service and hard work. We will miss his friendship, unflappable good humor, many kindnesses, gentle wit, and charm. Cheers to a very long and happy retirement!

FISCAL YEAR 2024

STATISTICS

FY 2024 was another busy year at the Board with 319 new cases (including remands and reconsiderations) docketed across 12 different case types. In summary, the Board received 165 new CDA appeals (not including remands and reconsiderations) and 154 other docketed cases, including 65 FEMA arbitrations, 45 travel and relocation cases, 13 debt cases, and 11 Indian Self-Determination Act cases. The Board resolved 375 cases in FY 2024, with 132 of those cases decided on the merits. The net change in the Board's total docket count from the end of FY 2023 to the end of FY 2024 was +17.

Of the decisions on the merits, the Board granted relief in 14 instances, granted relief in part 42 times, and denied relief in 76 instances, which resulted in a finding of merit in whole or in part approximately 42% of the time. In FY 2024, the Board dismissed 170 cases – 153 of which were voluntarily dismissed and 17 of which were dismissed by decision.

The Board conducted 27 hearings in FY 2024. The Board also conducted 73 ADRs, 60 of which resolved the dispute prior to a hearing, 2 of which partially resolved the dispute, and 11 of which did not resolve the dispute.

	ADR	Appeal	Debt	EAJA	FOIC	FEMA	FMCSA	ISDA	Other	Petition	Rate	RELO	TRAV	Total
On docket at start of fiscal year	20	326	3	4	0	21	0	11	2	0	0	8	2	397
Docketed	73	168	13	0	0	65	9	11	6	1	1	29	16	392
Resolved	73	180	14	4	0	51	6	6	8	0	1	18	14	375
Decision on merits	0	44	7	4	0	37	3	0	8	0	1	17	11	132
Granted	0	3	2	0	0	1	0	0	0	0	0	4	4	14
Granted-In-Part	0	16	2	4	0	13	2	0	0	0	0	4	1	42
Denied	0	25	3	0	0	23	1	0	8	0	1	9	6	76
Dismissals	0	136	7	0	0	14	3	6	0	0	0	1	3	170
Dismissed (voluntary)	0	126	4	0	0	12	3	5	0	0	0	1	2	153
Dismissed by decision	0	10	3	0	0	2	0	1	0	0	0	0	1	17
ADR Outcome	73	0	0	0	0	0	0	0	0	0	0	0	0	73
Fully Resolved	60	0	0	0	0	0	0	0	0	0	0	0	0	60
Partially Resolved	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Not Resolved	11	0	0	0	0	0	0	0	0	0	0	0	0	11
Pending at close of fiscal year	20	314	2	0	0	35	3	16	0	1	0	19	4	414
Net change in docket	0	-12	-1	-4	0	14	3	5	-2	1	0	11	2	17
Interlocutory Decisions	0	23	0	0	0	0	0	0	0	0	0	0	0	23

FISCAL YEAR 2024 STATISTICS

The chart below details all new cases docketed by the CBCA during FY 2024 by case type.

	Oct.	Nov.	Dec.	1st QTR.	Jan.	Feb.	Mar.	2nd QTR.	Apr.	May	Jun.	3rd QTR.	Jul.	Aug.	Sep.	4th QTR.	FY TOTAL
ADR	2	4	2	8	3	7	6	16	27	6	3	36	0	7	6	13	73
Appeal	14	16	11	41	25	11	12	48	15	9	10	34	13	13	16	42	165
Appeal Recon	0	0	1	1	0	0	0	0	0	0	0	0	2	1	0	3	4
Appeal Remand	0	0	0	0	0	0	1	1	2	0	0	2	0	0	0	0	3
Debt	1	0	0	1	0	1	6	7	1	0	2	3	1	1	0	2	13
EAJA Cost	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FCIC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FCIC Recon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FEMA	4	8	7	19	3	3	12	18	4	4	5	13	7	2	6	15	65
FMCSA	0	0	1	1	1	0	0	1	0	0	1	1	2	3	1	6	9
ISDA	1	1	0	2	0	2	0	2	2	1	1	4	1	2	0	3	11
ISDA Recon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Petition	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Rate	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1
Rate Recon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RELO	0	0	1	1	2	4	2	8	2	3	2	7	4	4	5	13	29
RELO Recon	0	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	2
TRAV	0	3	0	3	1	2	2	5	0	5	1	6	0	1	1	2	16
TRAV Recon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	22	32	24	78	35	30	42	107	53	28	27	108	30	34	35	99	392

ADR – Alternative Dispute Resolution Case (includes those with an underlying appeal)

Appeal – Contract Disputes Act Appeal of a Contracting Officer's Final Decision (COFD)

Debt – Debt Collection Case

EAJA – Equal Access to Justice Act Case

FCIC – Federal Crop Insurance Corporation Case

FEMA – Federal Emergency Management Agency Arbitration

FMCSA – Federal Motor Carrier Safety Administration Case

ISDA – Indian Self Determination Act Case

Petition – Requesting an Order for a COFD

Rate – GSA Transportation Audit Case

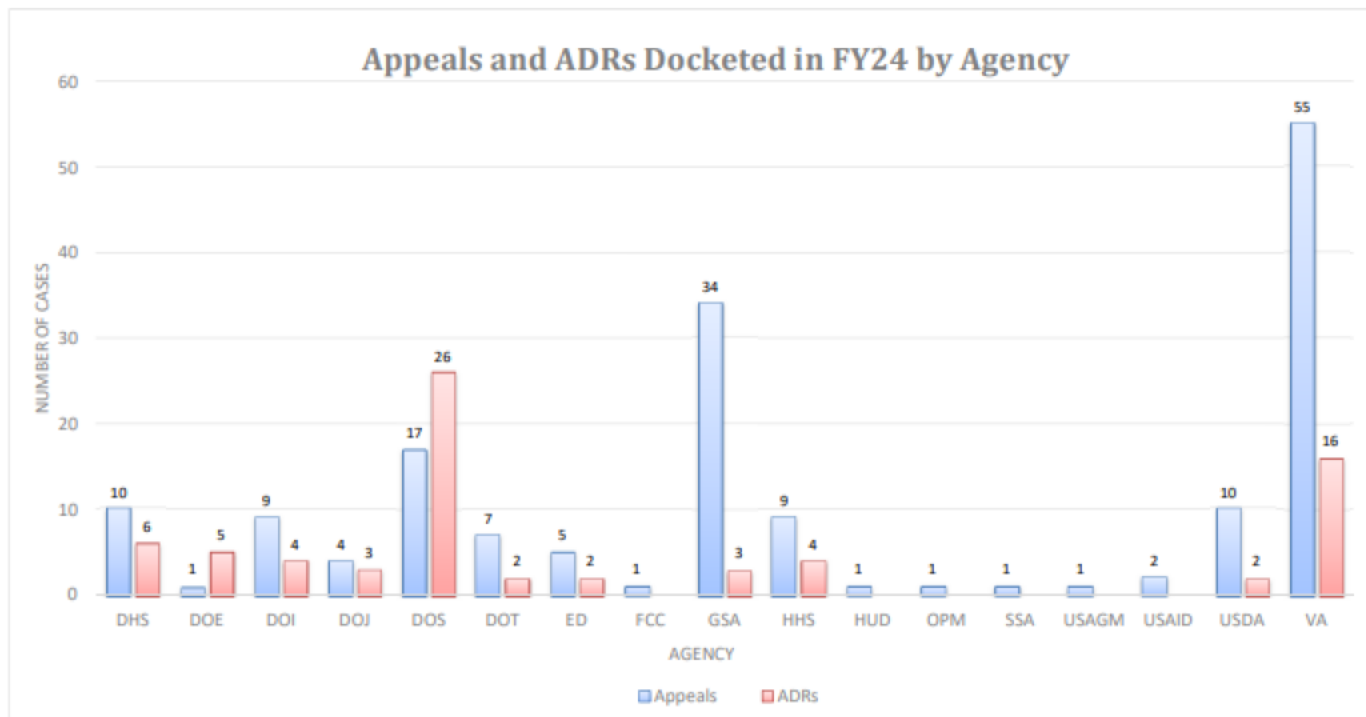
RELO – Relocation Expenses Case

Recon – Reconsideration of Any Type of Case

TRAV – Travel Expenses Case

FISCAL YEAR 2024 STATISTICS

The chart below details the number of appeals filed and arbitrations requested by agency.



DHS – Department of Homeland Security
DOE – Department of Energy
DOI – Department of the Interior
DOJ – Department of Justice
DOS – Department of State
DOT – Department of Transportation
ED – Department of Education
FCC – Federal Communications Commission
GSA – General Services Administration

HHS – Department of Health & Human Services
HUD – Department of Housing & Urban Development
OPM – Office of Personnel Management
SSA – Social Security Administration
USAGM – Agency for Global Media
USAID – Agency for International Development
USDA – Department of Agriculture
VA – Department of Veterans Affairs

CBCA ELECTRONIC DOCKETING SYSTEM (EDS)

The CBCA's New Electronic Docketing System (EDS) Will Launch January 2025

The Board is rolling out its new electronic docketing system (EDS) on January 1, 2025, for Contract Disputes Act (CDA) appeals and Federal Emergency Management Agency (FEMA) arbitrations. As of January 1, all pleadings filed in CDA appeals and FEMA arbitrations will be filed in EDS. Parties will continue to file Rule 4 appeal files via efile. For those of you familiar with the United States Government Accountability Office (GAO) electronic filing system, you will see many similarities. We hope that this new system will be more efficient, easier to use, and provide easier access to the docket for litigants in CDA and FEMA cases.

Create Your EDS Account as Early as December 2024

Beginning in December 2024, parties will be able to create new accounts in EDS in preparation for the January 2025 launch. Check out our website in December for information about and instructions for creating your EDS account.

Thank You

Thank you to Art Hawkins, CBCA's senior IT Specialist, as well as the GAO and the United States Department of Agriculture, for all of the work and the assistance provided to make EDS a reality. Getting here has been a long and involved process, and we really appreciate all of their efforts. Thank you also to the beta testers in the CDA and FEMA communities who helped the Board get EDS ready to launch. Your assistance helped us to find any bugs in the system and to move forward with the launch.