



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR FAILURE TO PROSECUTE: September 29, 2008

CBCA 992-ISDA

BLACKFEET NATION,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Earl Old Person, Chairman of Blackfeet Tribal Business Council, Browning, MT,
appearing for Appellant.

Gerald R. Moore, Office of the Solicitor, Department of the Interior, Billings, MT,
counsel for Respondent.

Before Board Judges **STEEL**, **McCANN**, and **SHERIDAN**.

STEEL, Board Judge.

ORDER

On December 5, 2007, the Blackfeet Nation (the tribe) appealed to this Board the decision of a Department of the Interior awarding official to withhold contract support costs for fiscal year (FY) 2008 because of the failure of the tribe to provide an audit report for FY 2005.

Since the initial filing, there has been no communication from the tribe. The Board has not received the complaint required to be filed thirty days after receipt of notice of docketing. The Board contacted appellant's counsel of record, who reported that she was no longer working on the appeal. No new counsel has entered an appearance. Messages have

been left with the tribe by the Board, and by counsel for the Government, to no effect. On July 1, 2008, the Government filed a motion to dismiss the appeal because the case is now moot, contract support costs having been paid. The tribe has not responded to the motion.

On July 31, 2008, the Board issued an order to show cause on or before August 28, 2008, why this appeal should not be dismissed. The Board has not received a response to that order from the tribe. Rule 12(c) of the Board's Rules of Procedure permits the dismissal of a case for reasons cited by the Board in a show cause order to which a response has been permitted.

Therefore, the appeal is **DISMISSED FOR FAILURE TO PROSECUTE**.

CANDIDA S. STEEL
Board Judge

We concur:

R. ANTHONY McCANN
Board Judge

PATRICIA J. SHERIDAN
Board Judge