



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR FAILURE TO PROSECUTE: February 7, 2013

CBCA 2819

KURTIS PARKER,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Kurtis Parker, pro se, Knoxville, TN.

Gabriel N. Steinberg, Office of Regional Counsel, General Services Administration, Atlanta, GA, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **SOMERS**, and **STEEL**.

DANIELS, Board Judge.

We dismiss this case for failure to prosecute.

Background

Kurtis Parker was the high bidder for a lot of travel trailers offered by the General Services Administration (GSA) through an on-line auction, and the agency awarded a contract to him for the purchase of the trailers. Pursuant to the terms of the auction, a GSA contracting officer cautioned Mr. Parker that he was required to pay for the trailers by January 29, 2009. Mr. Parker did not pay for the trailers by that date, and on February 9, 2009, the contracting officer, again pursuant to the terms of the auction, terminated the

contract and assessed liquidated damages in the amount of \$1530.40 (20% of the purchase price).

Mr. Parker responded by alleging that he did not bid for the trailers and that someone must have used his identity to do so. The contracting officer urged him to report the identity theft to his local police department and told him that GSA would not take action on its claim for liquidated damages until after it had received the police report.

Mr. Parker did not provide a copy of a police report. Eventually, someone in GSA noticed that the matter had never been resolved. On March 21, 2012, the contracting officer issued a decision asserting a claim for the liquidated damages. Mr. Parker appealed this decision to the Board, stating that he had not made the bid in question and that he “reported the incident to my local police [department] but was told since no charge had been made to my credit card no crime had been committed.”

At a telephonic conference convened by the Board on June 20, 2012, Mr. Parker reiterated his previous statements and also stated that because of concerns about identity theft, around the time of the auction, he had canceled the debit card whose number had been provided to GSA. Agency counsel asked for records corroborating the assertions – particularly the one concerning cancellation of the debit card – both at the conference and in a letter to Mr. Parker in September 2012. Mr. Parker did not provide any documentation or even respond to counsel’s efforts to contact him.

On November 2, 2012, GSA asked the Board to dismiss the appeal for failure to prosecute. On November 5, the Board ordered Mr. Parker to show cause, by November 19, why the appeal should not be so dismissed. Mr. Parker did not respond to the order.

Decision

Because Mr. Parker has neither responded to agency counsel’s reasonable requests nor provided the Board with any reason why the appeal should not be dismissed, the appeal is **DISMISSED FOR FAILURE TO PROSECUTE**.

STEPHEN M. DANIELS
Board Judge

We concur:

JERI KAYLENE SOMERS
Board Judge

CANDIDA S. STEEL
Board Judge