



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: February 5, 2013

CBCA 3109

NEW IRAQ COMPANY 2003,

Appellant,

v.

DEPARTMENT OF THE ARMY,

Respondent.

Sajad Ibrahim, Technical Director, New Iraq Company, newiraqcompany2003@yahoo.com, appearing for Appellant.

Christine Fricke, Army Contracting Command, Department of the Army, Rock Island, IL, counsel for Respondent.

Before Judges **BORWICK**, **SHERIDAN**, and **KULLBERG**.

SHERIDAN, Board Judge.

On December 6, 2012, the Clerk of the Civilian Board of Contract Appeals (CBCA) received an electronic filing (e-filing) from Sajad Ibrahim, Technical Director of New Iraq Company 2003, appealing a contracting officer's final decision dated December 5, 2012, by Joan F. S. Wysoske, a contracting officer at Department of Army (Army), Army Contracting Command, Rock Island, IL. The matter was docketed at the CBCA and assigned docket number CBCA 3109. The appeal was originally styled *Sajad Ibrahim v. Department of the Army*, but has since been changed to *New Iraq Company v. Department of the Army*, to reflect the company's name.

A review of the contracting officer's final decision reveals that the appeal was taken from a dispute arising out of a contract issued by the Army. The final decision states "You may appeal this decision to the agency board of contract appeals."

The Board contacted appellant via electronic mail (which was the only address the Board had for appellant) and asked appellant to provide an address by which it could be reached. Appellant responded that it preferred to be contacted via electronic mail.

On December 19, 2012, the Board provided the parties an explanation containing several prerequisites to Board jurisdiction and ordered appellant to either withdraw the appeal or show cause why the appeal should not be dismissed for lack of jurisdiction by no later than January 7, 2013. Appellant did not respond to the order to show cause.

Discussion

The Contract Disputes Act permits a contractor who is party to a Federal Government contract the right to appeal a contracting officer's final decision to the appropriate board of contract appeals. 41 U.S.C. § 7104(a) (Supp. IV 2011). Federal Acquisition Regulation (FAR) 8.406-6, Disputes, provides that "Contractors may appeal final decisions to either the Board of Contract Appeals servicing the agency that issued the final decision or the U.S. Court of Federal Claims." 48 CFR 8.406-6 (2012).

If, pursuant to the Contract Disputes Act, a contractor wishes to appeal to a board of contract appeals a final decision issued by an Army contracting officer, the contractor is required to file that appeal with the board servicing the Army, the Armed Services Board of Contract Appeals (ASBCA). 41 U.S.C. § 7105(e)(1)(A). Appellant did not file its appeal with the board of contract appeals given jurisdiction over the case by the Contract Disputes Act. The CBCA does not have jurisdiction over this matter.

Decision

The above-captioned CBCA appeal is hereby **DISMISSED FOR LACK OF JURISDICTION**.

PATRICIA J. SHERIDAN
Board Judge

We concur:

ANTHONY S. BORWICK
Board Judge

H. CHUCK KULLBERG
Board Judge