



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

March 16, 2015

CBCA 4524-FEMA

In the Matter of LORD OF THE HARVEST, INC.,
d/b/a HOPE ACADEMY

Edward C. Taylor of Daniel, Coker, Horton & Bell, P.A., Gulfport, MS, counsel for Applicant.

Allison W. Killebrew and Robert R. Latham, Jr., Mississippi Emergency Management Agency, Pearl, MS, appearing for Grantee.

Linda D. Litke, Office of the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, New Orleans, LA; Richard Exnicios, Office of the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Baton Rouge, LA; and Michelle Buckalew, Office of the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, counsel for Federal Emergency Management Agency.

Before the Arbitration Panel consisting of Board Judges **DRUMMOND**, **WALTERS**, and **SULLIVAN**.

Respondent, the Federal Emergency Management Agency (FEMA), has moved for a stay of arbitration proceedings for a period of six months, pending completion of an audit by FEMA's Office of Inspector General (OIG). The audit, it states, will include, among other things, the project worksheets that are the subject of the instant arbitration. It urges that, in the interest of judicial economy, the arbitration should be stayed to allow adequate time for the audit report to be issued and for FEMA to prepare its responses to the OIG. FEMA posits that the audit report could provide an independent evaluation of the project worksheets and be of assistance to the panel. Both the applicant, Lord of the Harvest, Inc. d/b/a Hope Academy, and the grantee, the Mississippi Emergency Management Agency

(MEMA), oppose the stay as unfair and contrary to the intent of FEMA's arbitration regulations, which they argue contemplate expeditious relief.

The panel appreciates FEMA's concerns for judicial economy and, although the audit purportedly will deal with the same project worksheets, the audit may not address the same issues that we are to resolve and we are not certain as to how the results of the audit will aid us in our resolution of those issues. Moreover, contrary to FEMA's assertion, six months is not a "short" period of delay to an arbitration process. We do not find good cause for such a lengthy delay.

Accordingly, the motion to stay is **DENIED**. The parties will be contacted forthwith to arrange for a hearing.

RICHARD C. WALTERS
Board Judge

JEROME M. DRUMMOND
Board Judge

MARIAN E. SULLIVAN
Board Judge