



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DENIED: May 18, 2017

CBCA 5748

CTA I, LLC,

Petitioner,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

John M. Manfredonia and James Peterson of Manfredonia Law Offices, LLC, Cresskill, NJ, counsel for Petitioner.

Harold W. Askins III, Office of Regional Counsel, Department of Veterans Affairs, Charleston, SC, counsel for Respondent.

Before Board Judges **GOODMAN**, **KULLBERG**, and **CHADWICK**.

CHADWICK, Board Judge.

On May 15, 2017, CTA I, LLC (CTA) filed a petition under 41 U.S.C. § 7103(f)(4) (2012) and Board Rule 2(a)(2) (48 CFR 6101.2(a)(2) (2015)) for an order directing a contracting officer of the Department of Veterans Affairs (VA) to issue a decision on a pending claim “no later than June 1, 2017.” We have jurisdiction over the petition because CTA’s pending claim, which it attached to the petition, exceeds \$100,000, was certified, and was submitted more than sixty days ago. *See Hawk Contracting Group, LLC v. Department of Veterans Affairs*, CBCA 5527, 16-1 BCA ¶ 36,572, at 178,118. We deny the petition.

CTA filed the petition seventeen calendar days, and twelve business days (given the Memorial Day holiday), before the date by which it seeks the contracting officer’s decision. The Board has no rules of procedure for such petitions, but Rule 8, governing motions, which we find closely analogous, generally allows an opposing party to respond “within 20 calendar

days.” Rule 8(f). We could not, at this point, give VA a similarly reasonable amount of time to respond to the petition; receive CTA’s reply, if any; and then issue a panel decision in time for the contracting officer to act on it by June 1, if we granted the petition. CTA, which does not even request expedited review, identifies no emergency that demands action in seventeen (now fourteen) days. Its petition is thus unsupported on its face.

Decision

The petition is **DENIED**.

KYLE CHADWICK
Board Judge

We concur:

ALLAN H. GOODMAN
Board Judge

H. CHUCK KULLBERG
Board Judge