



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: March 31, 2020

CBCA 6033

TERACORE, INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Timothy A. Furin of Ward & Berry, PLLC, Washington, DC, counsel for Appellant.

Melissa D. McClellan, Office of the General Counsel, Department of Agriculture, Washington, DC, counsel for Respondent.

Before Judges **VERGILIO**, **RUSSELL**, and **CHADWICK**.

RUSSELL, Board Judge.

Appellant has moved to dismiss this appeal without prejudice.¹ In its motion, appellant conceded that the Board lacks jurisdiction over the appeal because a properly certified claim was never submitted to the contracting officer for consideration. Appellant explained that, if its motion is granted, it intends to submit a properly certified claim to the contracting officer requesting a final decision.

¹ Pursuant to Board Rule 12(b)(2), a motion for dismissal without prejudice must be made jointly. 48 CFR 6101.12(b)(2) (2019).

Decision

For the Board to have jurisdiction, appellant was required to present a properly certified claim to the contracting officer before filing this appeal. *See* 41 U.S.C. § 7103(b) (2018). As there was no proper claim presented to the contracting officer, this appeal is **DISMISSED FOR LACK OF JURISDICTION.**

Beverly M. Russell

BEVERLY M. RUSSELL

Board Judge

We concur:

Joseph A. Vergilio

JOSEPH A. VERGILIO

Board Judge

Kyle E. Chadwick

Kyle E. Chadwick

Board Judge