



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

MOTION TO VACATE DECISION DENIED: January 19, 2021

CBCA 6264-R, 6279-R, 6284-R

CARMAZZI GLOBAL SOLUTIONS, INC.,

Appellant,

v.

SOCIAL SECURITY ADMINISTRATION,

Respondent.

Timothy J. Turner and Jonathan D. Perrone of Whitcomb, Selinsky, P.C., Denver, CO, counsel for Appellant.

Dorothy M. Guy, Brandon Dell'Aglio, Tal Kedem, and Alice M. Somers, Office of the General Counsel, Social Security Administration, Baltimore, MD, counsel for Respondent.

Before Board Judges **SOMERS** (Chair), **BEARDSLEY**, and **VERGILIO**.

VERGILIO, Board Judge.

In August 2020, the Board upheld three terminations for default and denied the appeals of Carmazzi Global Solution, Inc. (contractor). *Carmazzi Global Solutions, Inc. v. Social Security Administration*, CBCA 6264, et al., 20-1 BCA ¶ 37,670. In December 2020, the contractor moved under Rule 27 (Relief from Decision or Order), 48 CFR 6101.27 (2019), to vacate the decision and reinstate the appeals to reach a determination on the merits. In support, it maintains that its failure to respond to the agency's motion for summary judgment constitutes a justifiable mistake, inadvertence, and/or excusable neglect.

The motion is ill founded. In response to the agency's motion for summary judgment, the Board already reached the merits in these cases, concluding that the record supported the terminations for default and that the contractor failed to meet its burden of proof to establish that its defaults were excusable. The contractor, through previous counsel, received the agency's underlying motion for summary judgment and had every opportunity to respond. To now argue that the contractor failed to respond to the motion due to mistake, inadvertence, or excusable neglect, however, ignores a basic fact. The trustee in the bankruptcy case concluded that the contractor should not submit a response to the motion for summary judgment in these cases ("Please be advised that the trustee has instructed my firm to not respond to the [motion for summary judgment]. It is his view that the prospect of prevailing is low at best and that the cost of continuing with the appeal would not likely be recovered."). The record does not demonstrate that the determination not to submit a response to the motion represents a mistake, inadvertence, or excusable neglect. The contractor has not established a basis sufficient to grant relief from the decision; the other particulars raised by the contractor are not material given the basic flaw in the contractor's argument.

Decision

The Board **DENIES** the appellant's motion filed under Rule 27.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge

We concur:

Jeri Kaylene Somers
JERI KAYLENE SOMERS
Board Judge

Erica S. Beardsley
ERICA S. BEARDSLEY
Board Judge