



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSAL FOR FAILURE TO PROSECUTE: September 23, 2025

CBCA 8102

PATRICK CONSIDINE,

Appellant,

v.

AGENCY FOR INTERNATIONAL DEVELOPMENT,

Respondent.

Patrick Considine, pro se, Dublin, Ireland.

Rachel B. Cochran, Office of the General Counsel, Agency for International Development, Washington, DC, counsel for Respondent.

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

NEWSOM, Board Judge.

For the reasons stated below, the Board *sua sponte* dismisses this appeal for failure to prosecute.

Background

The Board docketed this appeal on May 14, 2024, and subsequently issued orders setting due dates for initial filings. The parties jointly proposed a schedule, and on November 4, 2024, the Board issued a scheduling order establishing the due dates to which both parties had agreed.

Appellant then stopped participating in this appeal. On December 26, 2024, respondent requested a status conference, reporting that appellant had failed to respond to discovery requests and had stopped communicating with respondent.

The Board thereafter attempted many times, without success, to reach appellant to schedule a status conference. Board staff emailed appellant on January 6, January 13, and January 26, 2025, but received no response. Board staff also attempted to reach appellant by telephone on January 13 and 14, 2025. Both calls were met with a recording stating that the call could not be completed. On January 13, 2025, the Board issued an order directing appellant to contact Board staff to provide his availability for a teleconference and transmitted this order both by email and hard copy delivery to appellant's mailing address. Although the Board's records showed that the letter was delivered, appellant did not respond.

On January 27, 2025, the Board stayed proceedings in this matter. Recognizing that appellant had stated, at one point, that he was a deployed United States Army reservist, the Board noted that the Servicemembers Civil Relief Act, 50 U.S.C.A. § 3932(b) (2024), may entitle appellant to a stay of proceedings for at least ninety days. In its order staying proceedings, the Board directed appellant to "contact the Board as soon as possible." Appellant did not respond.

On May 7, 2025, the Board issued an order directing appellant to notify the Board no later than June 10, 2025, whether he intended to pursue this appeal. Appellant did not respond.

Finally, on August 20, 2025, the Board issued an order directing appellant to show cause why this case should not be dismissed for failure to prosecute, with a response deadline of September 4, 2025. Appellant did not respond.

Discussion

The Board's rules provide that the Board may dismiss a case for failure to prosecute either on motion of a party or after permitting a response to an order to show cause. Rule 12(b)(1) (48 CFR 6101.12(b)(1) (2024)); *see also* Rule 12(b)(4). The Board may also dismiss a case as a sanction for failure to comply with a direction or order of the Board. Rule 35(b)(6). This authority is reserved for situations "where parties have repeatedly failed to comply with the tribunal's orders." *Elite Quality Services, LLC v. Department of Commerce*, CBCA 5050, 16-1 BCA ¶ 36,269, at 176,923 (quoting *Medtek, Inc. v. Department of Veterans Affairs*, CBCA 1544, 09-2 BCA ¶ 34,285, at 169,367).

This is just such a situation. Appellant has failed to respond to four separate Board orders, including an order to show cause why this appeal should not be dismissed. Dismissal is appropriate in this case.

Decision

The appeal is **DISMISSED FOR FAILURE TO PROSECUTE**.

Elizabeth W. Newsom

ELIZABETH W. NEWSOM

Board Judge

We concur:

Allan H. Goodman

ALLAN H. GOODMAN

Board Judge

Kyle Chadwick

KYLE CHADWICK

Board Judge