



**Issue Date: 05 January 2007**

CASE NO: 2006 BCA 1

***In the Matter of:***

WU & ASSOCIATES, INC.  
Appellant.

Contract No: AE-11793-01-20

**ORDER REMANDING CLAIM TO CONTRACTING OFFICER**

On January 18, 2006, the Appellant Contractor filed a timely Notice of Appeal dated January 12, 2006, from a Final Decision of the Contracting Officer regarding the Appellant Contractor's so called Phase III claim with this Board. The appeal was docketed as 2006-BCA-1 on January 20, 2006. Pursuant to a joint motion of the parties, this Board issued an order dated January 30, 2006, staying the proceedings until April 27, 2006, with further action dependant upon timely recommendation for appropriate action by the parties. The suspension was effected pending resolution of the consolidated appeals involving the same parties docketed as 2003-BCA-1 and 2004-BCA-2. Those claims had been tried, were in process of briefing, and have been pending before the Board. The parties suggested that the decision in the consolidated cases could affect the resolution of this appeal and might make settlement possible. There has been no further action with respect to that claim.

A Decision and Order has now been issued by the Board with respect to the consolidated claims, 2003-BCA-1 and 2004-BCA-2. However, the existence of the Board has been terminated by statutory effective January 7, 2007. The parties have not had time to consider the Decision and Order, or to consider the Phase III claim in light of that Decision and Order, and the Board is without time or authority to consider this appeal, though timely filed. Wherefore, it is

ORDERED that this appeal be remanded to the Contracting Officer for appropriate action, after consultation with parties, including referral to the Civilian Board of Contract Appeals.

**A**

Edward Terhune Miller  
Judge, Labor Board of Contract Appeals

