

U.S. Department of Labor

Board of Contract Appeals
1111 20th Street, N.W.
Washington, D.C. 20036



DATE: September 11, 1987
CASE NO. 87-BCA-1
CONTRACT NO. 99-6-4501-35-040-01

In the Matter of:

N.B. KENNEY COMPANY, INC.

ORDER OF DISMISSAL

Appellant has failed to file a pre-hearing statement as ordered by Judge Thomas on October 21, 1986. No request for extension of time was ever requested. By order dated March 10, 1987, the Board sua sponte allowed Appellant until March 31, 1987 to file its Pre-hearing statement. Appellant failed to do so, and counsel for the Contracting Officer then filed a motion for an order to show cause why this case should not be dismissed" on April 16, 1987. The Board allowed the motion and issued the requested "notice to show cause" on April 23, 1987 informing Appellant that it had 20 days to file a written response to the "order to show cause". No response was ever received, and the Board thereafter on May 29, 1987 informed Appellant by certified mail, return receipt, that unless the Board heard from Appellant within 5 days from receipt of this last notice it would issue an Order of Dismissal. The return receipt was returned to the Board clearly indicating that Appellant received this latest notice, but nonetheless Appellant failed again to respond. It thus appears to the Board that Appellant has abandoned his appeal, and accordingly the appeal of A.B. Kenney Company, Inc. in the above captioned case is hereby DISMISSED with prejudice.

CHESTER SHATZ
Administrative Law Judge
Member of Board of Contract Appeals

EDWARD MILLER
Administrative Law Judge
Member of Board of Contract Appeals

NAHUM LITT
Chief Administrative Law Judge
Chairman, Board of Contract Appeals