

<b>GEORGE'S AUTO DETAILING,</b>	)	<b>AGBCA No. 98-202-1</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
Kelli Burnham	)	
George's Auto Detailing	)	
P.O. Box 7078	)	
Brookings, Oregon 97415	)	
	)	
<b>Representing the Government:</b>	)	
	)	
James E. Alexander	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
1734 Federal Building	)	
1220 S.W. Third Avenue	)	
Portland, Oregon 97204-2825	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

May 20, 1999

**OPINION BY ADMINISTRATIVE JUDGE EDWARD HOURY**

This appeal arose under Contract No. 43-0M00-7-9258 between the Forest Service, U. S. Department of Agriculture, and George's Auto Detailing of Brookings, Oregon. The contract was for cleaning and waxing Forest Service vehicles belonging to the Gold Beach and Chetco Ranger Districts of the Siskiyou National Forest in Oregon.

The contract was terminated for default because of Appellant's alleged unexcused failure to complete work on time. Appellant filed a timely appeal which was docketed by the Board on October 5, 1998. Appellant did not file a Complaint within 30 days as required by that letter.

The Board received a letter dated November 6, 1998, from the Contracting Officer (CO) to Appellant wherein the CO indicated that the Forest Service had had considerable difficulty contacting Appellant regarding the work during the term of the contract. The CO also noted that Appellant had performed work prior to receiving the default termination notice for which Appellant had not been paid, and that payment would be made for this work.

By letter dated November 23, 1998, the Board acknowledged receipt of the CO's letter. The Board advised the CO that contact with the Board should be made through Government counsel. The

Board granted Appellant an additional 15 days to file a Complaint, stating that the appeal would be dismissed without further notice if Appellant failed to do so. Appellant received this letter November 27, 1998.

No Complaint was received within the specified 15 days. On March 9, 1999, the Board issued a Notice to Show Cause, granting Appellant 10 days to file a Complaint or show good cause why the appeal should not be dismissed. This letter was not claimed by Appellant, and was returned to the Board April 9, 1999.

It is Appellant's obligation to comply with the Board's Orders, advise the Board of Appellant's whereabouts, and indicate that Appellant wishes to continue to prosecute the appeal. Appellant has been given ample opportunity by the Board, but has failed to indicate that it wishes to continue to prosecute the appeal.

Board Rule 31, 7 C.F.R. § 24.21, Dismissal for Failure to Prosecute or Defend, provides as follows:

Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices of correspondence from the Board, comply with orders of the Board or otherwise indicates an intention not to continue the prosecution o[r] defense of an appeal, the Board may, in the case of a default by the appellant, issue an order to show cause why the appeal should not be dismissed or, in the case of a default by the Government, issue an order to show cause why the Board should not act thereon pursuant to Rule 33. If good cause is not shown, the Board may take appropriate action.

**DECISION**

The appeal is dismissed pursuant to Board Rule 31. The CO's termination for default has become final and binding.

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**EDWARD HOURY**  
Administrative Judge

**Concurring:**

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**HOWARD A. POLLACK**  
Administrative Judge

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**ANNE W. WESTBROOK**  
Administrative Judge

**Issued at Washington, D.C.  
on May 20, 1999**