

NORTHERN ROAD MAINTENANCE,)	AGBCA No. 2000-111-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
David McCall)	
Northern Road Maintenance)	
P.O. Box 59)	
Monarch, Montana 59463)	
)	
Representing the Government:)	
)	
Marcus R. Wah)	
Office of the General Counsel)	
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Missoula, Montana 59807)	

DECISION OF THE BOARD OF CONTRACT APPEALS

 July 7, 2000

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal, received by the Board on December 15, 1999, arises out of Contract No. 43-0355-8-0069, Road Maintenance, Lewis and Clark National Forest, between Northern Road Maintenance of Monarch, Montana (Appellant), and the Forest Service, U. S. Department of Agriculture (Government). At issue is the September 15, 1999 decision of the Contracting Officer terminating for default the Appellant's right to proceed under the contract. In the December 22, 1999 docketing letter, the Board afforded Appellant 30 days in which to file a complaint. Appellant failed to file a complaint within the period allowed. On March 10, 2000, the Board issued an Order to Show Cause allowing Appellant a period of 10 days from receipt of the Order in which to show cause why the appeal should not be dismissed for failure to prosecute. Appellant received the Order March 16, 2000, according to the United States Postal Service return receipt. Appellant has failed to respond to the Order to Show Cause which specified that a failure to respond would result in dismissal. Based on that failure to respond, we dismiss this appeal pursuant to Rule 31.

DECISION

The appeal is dismissed with prejudice for failure to prosecute.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
July 7, 2000