

TRANS WORLD PRODUCTS  
COMPANY, INC.

CONTRACT NO. VCS-PO (#688)  
& 3997

VABCA-3982, 3983, 3996

VA MEDICAL CENTER  
WASHINGTON, DC

*Fred O. Oladeinde*, President, Trans World Products Company, Inc., Capitol Heights, Maryland, for the Appellant.

*Merilee Rosenberg, Esq.*, Trial Attorney; *Philip Kauffman, Esq.*, Deputy Assistant General Counsel; and *William E. Thomas, Jr., Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

**ORDER OF DISMISSALS  
AND  
DOCKETING OF NEW APPEALS**

1. On March 25, 1994, the Board issued a Memorandum to the Parties, ordering the Appellant to Show Cause why VABCA-3982 and 3983 should not be dismissed as premature. The Appellant's response, dated April 10, 1994, indicated that the claims were first submitted to the Contracting Officer on March 29, 1994.
2. Based on the Appellant's response, it is clear that VABCA-3982 and 3983 were prematurely appealed to the Board since no claims had been submitted to the Contracting Officer. Under the Contract Disputes Act 41 U.S.C. § 607 this Board does not have jurisdiction over an appeal unless the Contractor has first submitted the claim to the Contracting Officer for decision. Accordingly, the appeals of Trans World Products Corporation, Inc., VABCA-3982 and 3983, are hereby dismissed with prejudice under Board Rule 5.
3. Subsequent to the Board's Order to Show Cause, the Contractor received final decisions dated April 1, 1994 with respect to the March 29 claims and so notified the Board on April 10, 1994, of its intention to contest those decisions.
4. Accordingly, the appeals formerly assigned VABCA Nos. 3982 and 3983 are hereby docketed as VABCA Nos. 3996 and 3997.. The instructions in the Board's Memorandum of March 25, 1994, are still in effect for VABCA Nos. 3996 and 3997.

**IT IS SO ORDERED**

DATE: **April 13, 1994**

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GUY H. McMICHAEL III  
Chief Administrative Judge