

PHILIPS BROTHERS ELECTRICAL
CONTRACTORS, INC.

CONTRACT NO. V460C-302

VABCA4688

VA MEDICAL CENTER
AND REGIONAL OFFICE CENTER
WILMINGTON, DELAWARE

Donald Schaeffer, Vice President, Philips Brothers Electrical Contractors, Inc.,
Glenmoore, Pennsylvania, for the Appellant.

Kenneth B. MacKenzie, Esq., Trial Attorney, and *Phillipa L. Anderson, Esq.*, Acting
Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER DISMISSING APPEAL

1. On August 30, 1995, the Board received the Government's MOTION TO DISMISS in the above-cited appeal. The Government argues that the Appellant's "claim" does not meet the requirements of the Contract Disputes Act (CDA) of 1978. The Motion states that "[i]n its May 15, 1995 letter Appellant only sought guidance on whether or not it was to replace the entire roof on Building No. 19. That letter can, in no way, be construed as a written demand seeking, as a matter of right, a sum certain."
2. The CDA provides the basis for jurisdiction by this Board over any claims made by the Appellant against the Government. In order for a submission by a contractor to constitute a claim pursuant to the CDA, it must be a written demand, seeking, as a matter of right, the payment of money in a sum certain. *Reflectone, Inc. v. John H. Dalton*, 1995 WL 441907 (Fed.Cir.). In the absence of a proper claim, there is no basis for the Board's jurisdiction. *Paragon Energy Corp. v. United States*, 227 Ct. Cl. 176, 645 F.2d 966 (1981); *Regional Ambulance Service*, VABCA Nos. 2832 and 2833, 891- BCA ¶ 21,365; *Cox & Palmer Construction Corp.*, VABCA No. 3352, 913 BCA ¶ 24055.
3. We granted the Appellant an opportunity to respond to the Government's Motion. On September 11, 1995, the Board received a letter from the Appellant. The letter did not directly address the Government's Motion, but did state "Philips Brothers Electrical Contractors, Inc., has resubmitted our claim for a final decision for the amount of \$9,072.00. We have requested their final decision to be rendered within 60 days."
4. Given the facts before the Board, we conclude that we are without jurisdiction to consider the matter. Accordingly, the appeal of Philips Brothers Electrical Contractors, Inc., VABCA4688, is hereby dismissed pursuant to Board Rule 5. This is without prejudice to any action the Appellant might take in response to the \$9,072.00 claim it has submitted to the Contracting Officer.

IT IS SO ORDERED

DATE: **October 24, 1995**

GUY H. MCMICHAEL III
Chief Administrative Judge

Panel Chairman

We Concur:

DAN R. ANDERS
Administrative Judge

RICHARD W. KREMPASKY
Administrative Judge