

ORLANDO BUSINESS
TELEPHONE SYSTEMS, INC.

CONTRACT NO. V101(93)P-1397

VABCA-4739

VA MEDICAL CENTER
COATESVILLE, PENNSYLVANIA

Herb Bornack, President, Orlando Business Telephone Systems, Inc., Orlando, Florida, for the Appellant.

Phillipa L. Anderson, Esq., Acting Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER DISMISSING APPEAL

1. The Board, in its November 9, 1995 NOTICE OF DOCKETING AND ORDER TO SHOW CAUSE, noted that it appeared that the Appellant had not filed a claim with the Contracting Officer. We further noted that the *Contract Disputes Act of 1978* provides the basis for jurisdiction by this Board over any claims made by the Appellant against the Government. In the absence of the submission of a contractor's claim and communication by the contracting officer which would constitute a final decision, a contractor's claim is not ripe for adjudication and the Board does not have jurisdiction over the claim.

Paragon Energy Corp. v. United States, 645 F.2d 966, 967 (Ct. Cl. 1981); *White Plains Iron Works, Inc. v. United States*, 229 Ct. Cl. 626 (1981); *AB-Tech Construction, Inc.*, VABCA No. 1531, 82-2 BCA ¶ 15,897 at 78,823-6.

2. We granted the Appellant until November 27, 1995, to Show Cause why this appeal should not be dismissed for lack of jurisdiction, pursuant to Board Rule 5. The Appellant's response, received by the Board on November 21, 1995, stated that "OBTS withdraws the subject appeal and will file a claim with the CONTRACTING OFFICER."

3. Accordingly, the appeal of Orlando Business Telephone Systems, Inc., VABCA No. 4739, is hereby dismissed for lack of jurisdiction, pursuant to Board Rule 5.

IT IS SO ORDERED

DATE: **November 22, 1995**

GUY H. MCMICHAEL III
Chief Administrative Judge

