

OMNI ELEVATOR COMPANY, INC.

CONTRACT NO. V645P-5392

VABCA-4741

VA MEDICAL CENTER
PITTSBURGH, PENNSYLVANIA

Herlen E. Bess, Vice President, Omni Elevator Company, Inc., Baltimore, Maryland, 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. The Board, in its November 9, 1995 NOTICE OF DOCKETING AND ORDER TO SHOW CAUSE, noted that it appeared that the Appellant was attempting to appeal Cure Notice, and that the Appellant had not filed a claim with the Contracting Officer, nor received a Contracting Officer's final decision. The Board 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.
2. In the absence of the submission of a contractor's claim requesting a final decision, the Board does not have jurisdiction over the claim. *Paragon Energy Corp. v. United States*, 645 F.2d 966, 967 (Ct. Cl. 1981); *Regional Ambulance Service*, VABCA Nos. 2832, 2833, 89-1 BCA ¶ 21,365.
3. We granted the Appellant until November 27, 1995, to Show Cause why the Board should not dismiss VABCA-4741. Appellant responded on November 30, 1995, stating, "[w]e did not submit a claim to the Contracting Officer."
4. Given the facts before the Board, we conclude we are without jurisdiction to consider the matter. Accordingly, the appeal of Omni Elevator Company, Inc., VABCA4741, is hereby dismissed.

IT IS SO ORDERED

DATE: **December 1, 1995**

GUY H. MCMICHAEL III
Chief Administrative Judge