

KNAUS SYSTEMS

CONTRACT NO. V69DP1167

VABCA-4826

VA MEDICAL CENTER
MADISON, WISCONSIN

Anthony J. Knaus, President, Knaus Systems, Tampa, Florida, for the Appellant.

Helen S. Henningsen, Esq., Government Trial Attorney, Milwaukee, Wisconsin, and
Phillipa L. Anderson, Esq., Assistant General Counsel, Washington, D.C., for the
Department of Veterans Affairs.

ORDER DISMISSING APPEAL

1. The Board in its March 13, 1996 NOTICE OF DOCKETING AND ORDER TO SHOW CAUSE, noted that the abovesited appeal appeared to be premature. It appears, from the documents before the Board, that the Appellant has submitted its claim for payment under Invoice 9512.322 simultaneously to the Contracting Officer and to the Board. The *Contract Disputes Act of 1978*, provides the basis for jurisdiction by this Board over any claims made by the Appellant against the Government. Specifically, 41 U.S.C. § 605(c)(1) provides that "the contracting officer shall issue a decision on any submitted claim of \$100,000 or less within sixty days from his receipt of a written request from the contractor that a decision be rendered within that period." In the absence of any communication by the contracting officer which might constitute a decision on a contractor's claim, the 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); *ABTech Construction, Inc.*, VABCA No. 1531, 822 BCA IT 15,897 at 78,8236.
2. We granted the Appellant until April 8, 1996 to SHOW CAUSE why this appeal should not be dismissed for lack of jurisdiction. As of this date, no reply has been received from the Appellant.
3. Given the facts before the Board and the failure of the Appellant to respond, we conclude that we are without jurisdiction to consider the matter. Accordingly the appeal of Knaus Systems, VABCA4826, is hereby dismissed pursuant to Board Rule 5.

IT IS SO ORDERED

DATE: April 9, 1996

GUY H. MCMICHAEL III
Chief Administrative Judge
Panel Chairman

We Concur:

JAMES K. ROBINSON
Administrative Judge

RICHARD W. KREMPASKY
Administrative Judge