

INTERNATIONAL BUSINESS
SYSTEMS, INC.

CONTRACT NO. V101(93)P-1453

VABCA-5993-5996

VA MEDICAL CENTER
BROCKTON, MASSACHUSETTS

Manbir S. Kathuria, President, International Business Systems, Inc., Chantilly, Virginia, for the Appellant.

Millicent M. Gompertz, Esq., Trial Attorney; *Charlma J. Quarles, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER DISMISSING APPEALS

1. On July 29, 1999, the Board docketed the above-cited appeals based on the Appellant's July 19, 1999 letter, "Appeal for Payment." The Board's docketing notice included the following Order to Show Cause:

It is not evident from the documents before us that the Appellant has submitted its claims to the Contracting Officer for a final decision, or that a Contracting Officer's final decision has actually been issued. The *Contract Disputes Act of 1978*, 41 U.S.C. § 605(a), provides that "All claims by a contractor against the government relating to a contract shall be in writing and shall be submitted to the contracting officer for a decision." Once the Contracting Officer has either issued a final decision, or failed to issue a final decision within the period required, the commencement of an appeal is authorized. 41 U.S.C. § 605(c). Until then, however, 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); *AB-Tech Construction, Inc.*, VABCA No. 1531, 82-2 BCA ¶ 15,897 at 78,823-6.

Accordingly, the Appellant is granted until *Thursday, August 26, 1999*, to Show Cause why the Board should not dismiss VABCA-5993-5996 as premature.

2. Nothing further has been received from Appellant.

3. Given the foregoing, we conclude that we are without jurisdiction to consider these matters. Accordingly, the appeals of International Business Systems, Inc., VABCA-5993-5996, are hereby dismissed for lack of jurisdiction, pursuant to Board Rule 5.

It Is So Ordered

Date: **September 10, 1999**

Morris Pullara, Jr.
Administrative Judge
Panel Chairman

We Concur:

Guy H. McMichael III
Chief Administrative Judge

Richard W. Krempasky
Administrative Judge