UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: December 1, 2011

CBCA 2571

ENDLESS GUTTER & SHEET METAL CO.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

John B. Begovich, President of Endless Gutter and Sheet Metal Co., Wildwood, NJ, appearing for Appellant.

John M. Vandlik, Office of the General Counsel, Department of Agriculture, Milwaukee, WI, counsel for Respondent.

Before Board Judges **POLLACK**, **SHERIDAN**, and **KULLBERG**.

POLLACK, Board Judge.

On September 26, 2011, the Board docketed an appeal from Endless Gutter & Sheet Metal Company (appellant), arising out of a contract with the Department of Agriculture (Agriculture). The letter of appeal, dated September 23, 2011, was addressed to the Armed Services Board of Contract Appeals, which upon receipt forwarded the appeal letter to this Board.

A review of the filing revealed that the appeal letter was in response to Agriculture's June 28, 2011, denial of a claim from appellant for $4938. The referenced denial, however, was not a final decision and was issued by the Project Contracting Officer Representative.

On November 15, 2011, the Board conducted a telephone conference with the principal for appellant and with Government counsel. The Board advised appellant at that time that due to the absence of a demand for and a final decision, the Board lacked jurisdiction over the docketed appeal and would be dismissing the action on that basis. Appellant was advised that if he intended to pursue the claim then he needed to first seek a final decision from the contracting officer, which if denied, he could then appeal.

Accordingly, the action is **DISMISSED FOR LACK OF JURISDICTION**.

HOWARD A. POLLACK
Board Judge

We concur:

PATRICIA J. SHERIDAN
Board Judge

H. CHUCK KULLBERG
Board Judge