



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR FAILURE TO PROSECUTE: June 6, 2013

CBCA 2069

RYLL INTERNATIONAL, LLC,

Appellant,

v.

DEPARTMENT OF TRANSPORTATION,

Respondent.

Marlene Ryll, President of Ryll International, LLC, Bradenton, FL, appearing for Appellant.

Rayann L. Speakman, Office of General Counsel, Department of Transportation, Vancouver, WA, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **STEEL**, and **KULLBERG**.

STEEL, Board Judge.

On April 3, 2013, the parties and the Board scheduled a video conference for May 16, 2013, at 9:30 a.m. to conduct the merits hearing in the above-captioned case, so as to save the appellant's representative, president Marlene Ryll, the expense and inconvenience of traveling to Washington, D.C., for trial. The Government agreed to find and provide for appellant a suitable location to participate in the video conference. The Government timely informed Ms. Ryll of its arrangements, and where she should go to participate in the video conference. The Board scheduled a telephone conference for May 1, 2013, to make sure that all parties and the Board knew how to participate in the video conference hearing, so that there would be no problems on May 16, 2013.

The Board attempted to reach Ms. Ryll for the May 1 telephone conference, but she did not answer the telephone number that had been used to reach her in the past by both the Board and the Government. Concerned that Ms. Ryll might not make herself available for the video conference hearing, the panel chair on May 2, 2013, ordered the appellant to notify the Board on or before May 8, 2013, in writing or by telephone, that Ms. Ryll intended to participate in the May 16 hearing, or explain why the hearing should be continued from that date. Although the Board confirmed receipt of this order at Ms. Ryll's address, Ms. Ryll did not respond in writing or by telephone to the order.

Thus, on May 9, 2013, the Board issued an order cancelling the hearing scheduled for May 16, 2013, and ordering appellant to show cause on or before May 17, 2013 why the appeal should not be dismissed for failure to prosecute. Receipt of this order at the Ryll address was also confirmed, but the Board has not heard back from any representative from Ryll.

Therefore, the above-captioned appeal is **DISMISSED FOR FAILURE TO PROSECUTE**.

CANDIDA S. STEEL
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

H. CHUCK KULLBERG
Board Judge