



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: July 3, 2023

CBCA 7780

THUNDERCAT TECHNOLOGY, LLC,

Appellant,

v.

CENTRAL INTELLIGENCE AGENCY,

Respondent.

W. Barron A. Avery, Clara Kollm, and Sarah-Jane Lorenzo of Morgan, Lewis & Bockius LLP, Washington, DC, counsel for Appellant.

Ashley Powers, Allison Marvasti, and Erin Masini, Office of General Counsel, Central Intelligence Agency, Washington, DC, counsel for Respondent.

Before Board Judges **RUSSELL**, **VERGILIO**, and **CHADWICK**.

VERGILIO, Board Judge.

Thundercat Technology, LLC filed this appeal premised upon a deemed denial by the contracting officer. Subsequently, referencing statute and agency regulations, the contracting officer issued a determination that the proper board to resolve this dispute is the Armed Services Board of Contract Appeals (ASBCA), not this Board. In light of the authorized determination by the contracting officer, the parties assert that this Board lacks jurisdiction to resolve the dispute and ask that the case be so dismissed.

For this agency, law requires a contracting officer to determine the appropriate board to resolve a dispute on appeal, with the determination typically included in the contracting officer's decision. 41 U.S.C. § 7105 (2018) (amendments not shown in text). Here, the appeal is based upon a deemed denial. After the appeal was filed at this Board, the contracting officer issued the determination selecting the ASBCA as the board that could resolve the dispute. As a result, this Board lacks jurisdiction to proceed with this case.

Decision

The case is **DISMISSED FOR LACK OF JURISDICTION**.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge

We concur:

Beverly M. Russell
BEVERLY M. RUSSELL
Board Judge

Kyle Chadwick
KYLE CHADWICK
Board Judge