



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: March 2, 2017

CBCA 5654

XCELERATED SUBSISTENCE SOLUTIONS,

Appellant,

v.

DEPARTMENT OF JUSTICE,

Respondent.

A. Alan Weis, Managing Partner of Xcerlerated Subsistence Solutions, Hollywood, FL, appearing for Appellant.

William Robinson and Nihar Vora, Office of General Counsel, Bureau of Prisons, Department of Justice, Washington, DC, counsel for Respondent.

Before Board Judges **DRUMMOND**, **ZISCHKAU**, and **O'ROURKE**.

DRUMMOND, Board Judge.

Appellant filed this appeal on February 17, 2017, from respondent's decision to terminate a purchase order to supply certified religious foods. In its notice of appeal, appellant alleged that it is entitled to damages totaling \$15,000.

During a telephonic conference on February 27, 2017, the parties agreed that the appeal is jurisdictionally deficient because no claim has been filed and no final decision has been issued by the contracting officer. A prerequisite to Board jurisdiction is a contracting officer's final decision on a claim. *Sharp Electronics Corp. v. McHugh*, 707 F.3d 1367, 1371 (Fed. Cir. 2013). Without the filing of a claim and the issuance of a final decision (or the failure to issue such a decision within the prescribed period of time), this Board lacks jurisdiction. *Energx, LLC v. Department of Energy*, CBCA 3060, slip op. at 2 (January 25,

2017); *Macrosystems v. General Services Administration*, CBCA 2158, 11-1 BCA ¶ 34,622, at 170,618 (2010).

Decision

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

JEROME M. DRUMMOND
Board Judge

We Concur:

JONATHAN D. ZISCHKAU
Board Judge

KATHLEEN J. O'ROURKE
Board Judge