



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: February 21, 2018

CBCA 6008

WESTLAKE FARMS, INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Flavia Berys of DLA Piper LLP, East Palo Alto, CA, counsel for Appellant.

Catherine Crow, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **SOMERS** (Chair), **ZISCHKAU**, and **CHADWICK**.

CHADWICK, Board Judge.

Westlake Farms, Inc. filed a notice of appeal on January 24, 2018, from a contracting officer's decision dated ninety-nine days earlier, October 17, 2017. The decision denied a claim by Westlake Farms for payments under a lease totaling, as far as we can tell, less than \$100,000. We ordered Westlake Farms to show cause why we should not dismiss its appeal as untimely under 41 U.S.C. § 7104(a) (2012) (permitting appeal to the Board "within 90 days from the date of receipt of a contracting officer's decision"). Westlake Farms did not respond, even after we extended the time to do so. Because it appears from the record before us that Westlake Farms received the contracting officer's decision more than ninety days before it filed the appeal, we conclude that we lack jurisdiction to proceed. *See DekaTron Corp. v. Department of Labor*, CBCA 4444, 15-1 BCA ¶ 36,045, at 176,059.

Decision

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

KYLE CHADWICK
Board Judge

We concur:

JERI KAYLENE SOMERS
Board Judge

JONATHAN D. ZISCHKAU
Board Judge