



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED FOR LACK OF JURISDICTION:  
May 21, 2020

CBCA 6793

NEDA OF PUERTO RICO, INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Diana Parks Curran and Hadeel N. Maseoud of Curran Legal Services Group, LLC, Marietta, GA, counsel for Appellant.

Alexander C. Vincent, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **DRUMMOND, LESTER**, and **CHADWICK**.

**LESTER**, Board Judge.

The parties have jointly requested that the Board dismiss this appeal without prejudice, asserting that the contractor, NEDA of Puerto Rico, Inc. (NEDA), never certified the \$224,006 “claim” upon which it bases this appeal, as required by the Contract Disputes Act (CDA), 41 U.S.C. § 7103(b)(1) (2018), which precludes the Board’s jurisdiction.

Discussion

“As a prerequisite to review by the Board of a contractor’s demand for money from the Federal Government, the contractor must have submitted a ‘claim’ to an agency contracting officer.” *Foxy Construction, LLC v. Department of Agriculture*, CBCA 5632, 17-1 BCA ¶ 36,687, at 178,626. If the claim involves a request for more than \$100,000, it must be certified. *DAI Global, LLC v. Administrator of the United States Agency for International Development*, 945 F.3d 1196, 1198 (Fed. Cir. 2019). Although “[a] defect in the certification of a claim does not deprive a court or an agency board of jurisdiction over the claim,” *id.* (quoting 48 U.S.C. § 7103(b)(3)), “[a] complete failure to provide a certification at all may not be deemed a defective certification,” *Medina Construction, Ltd. v. United States*, 43 Fed. Cl. 537, 547 (1999), and cannot be remedied for purposes of establishing jurisdiction. *McAllen Hospitals LP v. Department of Veterans Affairs*, CBCA 2774, et al., 14-1 BCA ¶ 35,758, at 174,969; *see Skelly & Loy v. United States*, 685 F.2d 414, 416 (Ct. Cl. 1982) (discussing jurisdictional defect from absent certification). It is clear from reviewing NEDA’s “claim,” which accompanied its notice of appeal, that it contained no certification, meaning that we lack jurisdiction to entertain the appeal. We dismiss the appeal for lack of jurisdiction, which “is, by necessity, without prejudice.” *SRA International, Inc. v. Department of State*, CBCA 6563, et al., 20-1 BCA ¶ 37,543, at 182,314 n.1.

Decision

NEDA’s appeal is **DISMISSED FOR LACK OF JURISDICTION**.

Harold D. Lester, Jr.

HAROLD D. LESTER, JR.

Board Judge

We concur:

Jerome M. Drummond

JEROME M. DRUMMOND

Board Judge

Kyle Chadwick

KYLE E. CHADWICK

Board Judge