



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

APPELLANT’S MOTION TO DISMISS FOR LACK OF JURISDICTION OR, IN THE
ALTERNATIVE, TO STAY PROCEEDINGS DENIED: February 24, 2026

CBCA 7992, 7993

LOUIS J. BLAZY,

Appellant,

v.

DEPARTMENT OF STATE,

Respondent.

Louis J. Blazy, pro se, Alexandria, VA.

Alexandra N. Wilson, Office of the Legal Adviser, Buildings and Acquisitions,
Department of State, Washington, DC, counsel for Respondent.

Before Board Judges **GOODMAN**, **KULLBERG**, and **CHADWICK**.

GOODMAN, Board Judge.

Appellant, Louis J. Blazy, has filed a motion in these consolidated appeals titled “Motion For Procedural Determination on the Validity of the Contracting Officer’s Final Decisions and Stay Merits Proceeding.” We deny appellant’s motion.

Background

Pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 7101-7109 (2018), appellant submitted two claims to respondent’s contracting officer (CO) dated November 13 and 20, 2023. The CO issued contracting officer’s final decisions (COFDs), dated January

12 and 16, 2024, denying the claims. Appellant filed a single notice of appeal at this Board for both COFDs on January 19, 2024, and an appeal was docketed for each COFD. The appeals were consolidated, and appellant elected to designate his notice of appeal as the complaint in both appeals. Respondent designated the COFDs as respondent's answer. A schedule was established for discovery. Board's Order (Feb. 1, 2024). Discovery proceeded through June 2025. On July 21, 2025, appellant filed a motion to compel further discovery, which was denied on August 21, 2025.

On August 29, 2025, appellant filed the motion which is the subject of this decision. Appellant's motion presents factual and legal arguments regarding the Board's jurisdiction. The motion seeks a determination as to the legal validity of the COFDs issued by the CO, as appellant alleges that the CO did not have a valid warrant. Appellant's Motion at 8-9. Appellant asks for the following relief:

If either COFD decision is ruled invalid, Appellant requests an order declaring them void ab initio and (a) dismissal without prejudice to permit a proper decision by an authorized [CO], or (b) remand with instructions that a proper decision be issued by a date specific by a duly authorized CO and reopening of discovery due to new evidence provided by the government in response to previous discovery requests. In the alternative, and without waiving the foregoing jurisdictional objection, Appellant respectfully requests that the Board deem the COFDs procedurally sufficient solely for the limited purpose of preserving the evidentiary record developed during discovery.

Id. at 9.

Appellant also requested similar relief at the conclusion of his motion:

[T]hat the Board declare the January 2024 COFDs invalid as a matter of law. The proper legal effect is either:

1. Dismissal of the government's position for want of a valid COFD, depriving the Board of jurisdiction; or
2. Direction that, should the agency wish to pursue its claims, it must do so through the issuance of a new, properly authorized COFD by a duly warranted PSC contracting officer.

Appellant's Motion at 34.

Discussion¹

The Board Possesses Jurisdiction

We need not determine the validity of the CO's warrant at the time the COFDs were issued. Even if the CO did not have a valid warrant and the decisions lacked finality, the claims are deemed denied. Appellant has filed a timely notice of appeal with regard to both denials, and we possess jurisdiction.

Our decision in *Harbor Services, Inc. v. Department of Veterans Affairs*, CBCA 8323, 26-1 BCA ¶ 38,960 (2025), is instructive. In that case, the CO issued a COFD that lacked finality. Appellant submitted a new claim and filed an appeal at the Board fewer than sixty days after that claim was submitted to the CO. Even though the CO's initial decision lacked finality, the original claim was deemed denied when the statutory period for issuing a COFD expired. The Board, therefore, had jurisdiction to entertain the appeals. The Board held:

In the absence of a contracting officer's decision within the statutory period [for issuing a CO's final decision], which in this case is sixty days from the date of the claim, the contracting officer is deemed to have denied the claim, and the contractor may appeal from the deemed denial. 41 U.S.C. § 7103(f). Accordingly, we conclude that [appellant] submitted a CDA claim which was deemed denied by the contracting officer. . . . The appeal was pending at the Board . . . when the contracting officer's deadline for a decision expired. Accordingly, the . . . claim was deemed denied, and the premature appeal ripened into a mature appeal. *The Board possesses jurisdiction to entertain this appeal.*

Id. at 189,662 (emphasis added).

Pursuant to the CDA, a CO has sixty days from receipt of a claim to issue a COFD or to notify the claimant when a decision will be issued. 41 U.S.C. § 7103(f)(2). In these consolidated appeals, the CO issued the two COFDs within that period. Had no decisions been issued, the sixty-day period would have expired for the November 13, 2023, claim on January 12, 2024, and for the November 20, 2023, claim on January 19, 2024. The notice

¹ Appellant's motion contains protected material. We address only matters relevant to the resolution of the issue of jurisdiction and the availability of the relief requested, without mentioning protected material.

of appeal with regard to both claims was filed on January 19, 2024.² Even assuming neither claim received a valid COFD, both were deemed denied as of the date appellant filed the notice of appeal, so the Board has jurisdiction. *See Frank Baiamonte*, PSBCA 5332, 08-2 BCA ¶ 33,926, at 167,899 (In denying appellant’s motion for reconsideration, the Board concluded that even if the CO lacked authority to issue a decision at the time of the COFD, sixty days had lapsed since claim submission so the claim was deemed denied, and the Board had jurisdiction.).

Because these appeals were timely filed more than sixty days after the certified claims were submitted to the CO, we need not decide if they were filed from a COFD or from a deemed denial. *SecTek, Inc. v. National Archives and Records Administration*, CBCA 5084, 16-1 BCA ¶ 36,403, at 177,466.

The Appeals Will Proceed De Novo

The appeals have been pending for two years and have proceeded through discovery pursuant to the Board’s jurisdiction. We need not determine the validity of the COFDs. The Board will conduct a de novo review. As this Board held in *CompuCraft, Inc. v. General Services Administration*, CBCA 5516, 17-1 BCA ¶ 36,662, at 178,540:

It is the act of denial of the contractor’s claim and the matters raised in the claim that give rise to our jurisdiction, not the matters actually denied. “The Board is not bound by the contracting officer’s final decision in reaching its findings on appeal.” *Bay Shipbuilding Co. v. Department of Homeland Security*, CBCA 54, et al., 07-2 BCA ¶ 33,678, at 166,743. To hold otherwise would violate the CDA’s instruction that the Board conduct a de novo review. 41 U.S.C. § 7104(b)(4). Having rendered a final decision on [appellant]’s claim, the parties are before the Board on a “clean slate,” *Wilner [v. United States]*, 24 F.3d 1397, 1402 (Fed. Cir. 1994)], and the Board will proceed to review the claim de novo.

Whether or not the COFDs are valid, specific findings in the COFDs are not binding in any subsequent proceeding, such as this one. 41 U.S.C § 7103(e). The appeals will

² Unlike the situation in *Harbor Services*, in which the appeal was filed before the sixty-day period expired, the issue of premature appeal does not arise here as the sixty-day period after submission of the claim expired immediately before the notice of appeal was filed for the first claim and on the day the notice of appeal was filed for the second claim.

“proceed de novo, based on the evidentiary record before the Board and not the [CO’s] reasoning or findings of fact.” *Department of Transportation v. Eagle Rock & Paving, Inc.*, 69 F.4th 1367, 1375 (Fed. Cir. 2023); see *SecTek, Inc.*, 16-1 BCA at 177,466.

The Alternative Relief Requested by Appellant Is Not Available

Appellant asks alternatively for a dismissal without prejudice to permit a proper decision by an authorized CO or that we “remand with instructions that a proper decision be issued by a date specific by a duly authorized CO.” Appellant’s Motion at 9. As we find that we have jurisdiction, this alternative relief need not be considered. We note that even under circumstances where a board of contract appeals may suspend proceedings pursuant to the CDA to allow a CO additional time to issue a decision, a board cannot *compel* the CO to do so. *Construction Services Group, Inc. v. Department of Veterans Affairs*, CBCA 7344, 22-1 BCA ¶ 38,092, at 184,985. If an appeal is suspended for the CO to issue a decision, and the CO does not issue a decision within the allotted time, the claim would again be deemed denied. *Id.*

Appellant also asks “that the Board deem the COFDs procedurally sufficient solely for the limited purpose of preserving the evidentiary record developed during discovery.” We do not address this request for relief since we find that the Board possesses jurisdiction.

Decision

Appellant’s motion is **DENIED**. The Board possesses jurisdiction to entertain these consolidated appeals.

Allan H. Goodman

ALLAN H. GOODMAN
Board Judge

We concur:

H. Chuck Kullberg

H. CHUCK KULLBERG
Board Judge

Kyle Chadwick

KYLE CHADWICK
Board Judge