



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR FAILURE TO PROSECUTE: February 13, 2026

CBCA 8260

THOMAS DANIEL BAKER,

Appellant,

v.

AGENCY FOR INTERNATIONAL DEVELOPMENT,

Respondent.

Thomas Daniel Baker, pro se, Columbia, MD.

Warren D. Leishman, Office of the General Counsel, Agency for International Development, Washington, DC, counsel for Respondent.

Before Board Judges **BEARDSLEY**, **SHERIDAN**, and **NEWSOM**.

NEWSOM, Board Judge.

For the reasons stated below, the Board dismisses this appeal for failure to prosecute.

Background

The Board docketed this appeal on November 15, 2024. During October 2025, the proceedings were disrupted by a lapse in appropriated funds. After government operations resumed, the Board held a conference call with the parties on November 19, 2025, to discuss revising the schedule. Subsequently, the Board issued an order directing the parties to file their elections under Board Rule 18 (48 CFR 6101.18 (2024)), stating whether they wished to have a hearing or to submit this appeal for decision on the written record under Rule 19.

The Board also directed the parties to confer and to jointly propose a schedule for the remaining proceedings. The elections and proposed schedule were due to be filed on or before December 19, 2025.

Respondent filed its election and proposed schedule, but appellant did not. Instead, appellant sent an email to respondent's counsel, with a copy to the Board, stating appellant's position that his "appeal can not [sic] be finally, justly decided by the board either via hearing or a Rule 19 submission." The Board entered this email into the record.

Subsequently, on December 22, 2025, the Board issued an order directing appellant to file a document on or before January 15, 2026, either (a) stating that he still wishes to pursue this appeal, or (b) requesting dismissal of this appeal with prejudice. The order stated, in bold letters, that "in the absence of any submission from appellant[,] the Board may presume that [appellant] no longer wishes to pursue this appeal. Therefore it is very important that [appellant] file a response." Appellant filed no response.

In an attempt to provide appellant with every possible opportunity to resume pursuing this appeal, on January 23, 2026, the Board issued an order directing appellant to show cause why this appeal should not be dismissed for failure to prosecute, with a response deadline of February 6, 2026. Appellant did not respond.

Discussion

The Board's rules provide that the Board may dismiss an appeal for failure to prosecute either on motion of a party or after permitting a response to an order to show cause. Rule 12(b)(1); *see also Brandon Staffing Solutions LLC v. Department of Veterans Affairs*, CBCA 7044, 22-1 BCA ¶ 38,050; Rule 12(b)(4). The Board may also dismiss a case as a sanction for failure to comply with a direction or order of the Board. Rule 35(b)(6). "[T]his authority is reserved for situations 'where parties have repeatedly failed to comply with the tribunal's orders.'" *Elite Quality Services, LLC v. Department of Commerce*, CBCA 5050, 16-1 BCA ¶ 36,269, at 176,923 (quoting *Medtek, Inc. v. Department of Veterans Affairs*, CBCA 1544, 09-2 BCA ¶ 34,285, at 169,367).

This is just such a situation. Appellant has failed to respond to two separate Board orders, including an order to show cause why this appeal should not be dismissed. The sanction of dismissal for failure to prosecute is appropriate in this appeal.

Decision

The appeal is **DISMISSED FOR FAILURE TO PROSECUTE.**

Elizabeth W. Newsom

ELIZABETH W. NEWSOM

Board Judge

We concur:

Erica S. Beardsley

ERICA S. BEARDSLEY

Board Judge

Patricia J. Sheridan

PATRICIA J. SHERIDAN

Board Judge