



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: June 30, 2026

CBCA 8934

AMERITEL COMMUNICATION CORPORATION,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Henry Jalette, Vice President of Federal Sales, Ameritel Communication Corporation, Rockville, MD, appearing for Appellant.

Sean Grafton, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, counsel for Respondent.

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

VOLK, Board Judge.

Appellant filed its notice of appeal in this matter on June 18, 2026. The appeal is from a contracting officer's final decision that was issued and transmitted by email to appellant on March 13, 2026, more than ninety days before appellant filed its notice of appeal. On June 26, 2026, the parties filed a joint motion to dismiss. The parties agree that appellant's notice of appeal was not timely filed under 41 U.S.C. § 7104(a) (2024), which requires that a notice of appeal to the Board be filed within ninety days from receipt of the contracting officer's final decision. The parties jointly request that the appeal be dismissed for lack of jurisdiction.

Because appellant's notice of appeal was not filed within ninety days from its receipt of the contracting officer's final decision, we lack jurisdiction to consider this appeal. *See West Coast General Corp. v. Dalton*, 39 F.3d 312, 315 (Fed. Cir. 1994). The parties' June 26, 2026, motion is granted, and this appeal is dismissed for lack of jurisdiction.

Daniel B. Volk
DANIEL B. VOLK
Board Judge

We concur:

Patricia J. Sheridan
PATRICIA J. SHERIDAN
Board Judge

Elizabeth W. Newsom
ELIZABETH W. NEWSOM
Board Judge