

KEYWORDS: carrier/contractor claim; timeliness

DIGEST: Under Department of Defense Instruction 1340.21, ¶ E7.13, DOHA must receive a request for reconsideration within 30 days of the appeal decision.

CASENO: 07110201

DATE: 11/07/2007

DATE: November 7, 2007

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In Re:)
	Burnham Service Co., Inc.)
)
Claimant)
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Claims Case No. 07110201

**CLAIMS APPEALS BOARD
RECONSIDERATION DECISION**

DIGEST

Under Department of Defense Instruction 1340.21, ¶ E7.13, DOHA must receive a request for reconsideration within 30 days of the appeal decision.

DECISION

Burnham Service Co., Inc. (Burnham) requests reconsideration of the September 27, 2007, supplemental decision to the appeal decision by the Defense Office of Hearings and Appeals (DOHA) in DOHA Claim No. 07061101. DOHA's adjudicators concluded that Burnham failed to offer clear and convincing evidence of the unreasonableness of the Navy's calculation of the value of transit damages to a laptop computer transported by Burnham.

The appeal decision advised Burnham that in accordance with Department of Defense Instruction 1340.21 (Instruction), ¶ E7.13¹ (May 12, 2004), the company had 30 days from the

¹This provision is also codified at 32 C.F.R. Part 282, Appendix E, subparagraph (m).

date of the decision to request reconsideration, and that we could extend this period up to an additional 30 days for good cause. The decision provided a fax number to assist the claimant with a timely response. On November 1, 2007, DOHA received a fax message from a company representative stating that it was then 30 days from her receipt of the September 27, 2007, supplemental decision, and that she had not been able to draft a response to the September 27th decision. She requested up to an additional 30 days to respond. On November 2, 2007, the representative faxed her reconsideration request.

Decision

We do not have authority to consider Burnham's request for reconsideration. Under the Instruction, a party seeking reconsideration of an appeal decision must file the request within 30 days of the date of that decision, not within 30 days of the party's receipt of that decision. Furthermore, any request for extension of time has to be based on good cause, which was not offered in this case.

Conclusion

This Board has no authority to reconsider the appeal decision as supplemented. In accordance with Instruction ¶ E7.11,² DOHA's supplemental September 27, 2007, appeal decision in DOHA Claim No. 07061101 is the final decision of the Department of Defense in this matter.

Signed: Michael D. Hipple

Michael D. Hipple
Chairman, Claims Appeals Board

Signed: William S. Fields

William S. Fields
Member, Claims Appeals Board

Signed: Catherine M. Engstrom

Catherine M. Engstrom
Member, Claims Appeals Board

²This provision is also codified at 32 C.F.R. Part 282, Appendix E, subparagraph (k).