

CLIENT ALERT

For Whom Does the Appeal Clock Toll? Vitiating vs. Finality

Jan. 12, 2016

In *Guardian Angels Med. Serv. Dogs Inc. v. U.S.* (Jan. 8, 2016), the Federal Circuit held that a CO's request to evaluate additional information after a default termination "vitiates the finality" of the termination and resets the 12-month appeal clock, even though the CO neither received new information nor spent any time reconsidering her decision. Reversing the CFC's dismissal of the appeal as time-barred, the court held that, when a CO "evinces" a clear willingness to consider additional evidence, the appeal period begins anew, rather than merely being suspended, and explained that "whether the contracting officer 'spends time' considering the request is not the proper standard." For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Stephen J. McBrady

Partner – Washington, D.C.

Phone: +1 202.624.2547

Email: smcbrady@crowell.com

Skye Mathieson

Counsel – Washington, D.C.

Phone: +1 202.624.2606

Email: smathieson@crowell.com