

CLIENT ALERT

DOJ Has No Right to Challenge Board Decision Under Contractor's Wunderlich Act Suit

Jul.27.2015

Continuing the long-running saga that has already bounced between the ASBCA and the courts for twelve years concerning a non-appropriated fund contract under which SUFI installed telephones in Air Force lodgings at bases in Germany (and has been represented by C&M), the CFC in its latest decision in *SUFI Network Servs., Inc. v. U.S.* (July 21, 2015) held that the government has no independent right to use SUFI's earlier court challenge under the Wunderlich Act to complain of the decisions of the ASBCA on remand. The CFC dismissed the action with prejudice, with the stated "expectation" that DOJ will instruct the NAFI to pay SUFI the ASBCA's award of an additional \$113 million, with interest as provided by agreement, but, if past is prologue, a more reasonable expectation may be that DOJ will appeal to the Federal Circuit.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Brian Tully McLaughlin

Partner – Washington, D.C.

Phone: +1 202.624.2628

Email: bmclaughlin@crowell.com