

## CLIENT ALERT

### Federal Circuit Remands NAFI Contractor Back to ASBCA for Further Damages Findings

June 4, 2014

In *SUFI Network Servs., Inc., v. U.S.* (May 29, 2014), the Federal Circuit vacated and remanded a \$114 million award granted by the Court of Federal Claims to SUFI in its appeal of the ASBCA's damages determinations on several breach of contract claims brought in the aftermath of a telephone services contract with the Air Force's Non-Appropriated Fund Purchasing Office. The court found that the CFC correctly found error in several of the ASBCA's legal and factual findings concerning SUFI's damages, but it ruled that the CFC was not itself permitted to recalculate them under Wunderlich Act review and instructed the ASBCA to reconsider whether SUFI's calculations provided a fair and reasonable approximation of its losses (as the CFC had held) and recompute the lost profits owed.

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

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