

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1210

BEYLEY CONSTRUCTION GROUP, CORP.,

Appellant,

v.

John McHugh, SECRETARY OF THE ARMY,

Appellee.

Mark B. Carter, Smith, Currie & Hancock LLP, of Atlanta, Georgia, argued for appellant. With him on the brief was George D. Wenick.

Timothy P. McIlmail, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for appellee. With him on the brief were Tony West, Assistant Attorney General, Jeanne E. Davidson, Director, and Brian M. Simkin, Assistant Director. Of counsel on the brief was Geraldine Chanel-Carpenter, Trial Attorney, Contract & Fiscal Law Division, United States Department of the Army, of Arlington, Virginia.

Appealed from: Armed Services Board of Contract Appeals

Administrative Judge Peter D. Ting

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Appellee.

Judgment

ON APPEAL from the Armed Services Board of Contract Appeals
in CASE NO(S). 55692

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (GAJARSA, CLEVINGER and DYK, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED November 12, 2009

/s/ Jan Horbaly
Jan Horbaly, Clerk