



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Office of the General Counsel
Public Health Division
Rockville, MD 20857

February 9, 2007

Andrea Lewis, Recorder
Civilian Board of Contract Appeals
1800 F Street, NW
Washington, DC 20405

Re: Appeal of the Arctic Slope Native Association, Ltd.; CBCA Nos. 190-ISDA-297-ISDA; IBCA Nos. 4794-4803/06

Dear Ms. Lewis:

Enclosed please find a copy of the Indian Health Service's Amendment to its Answer in the above referenced Appeal. Also enclosed is an extra copy of the Amendment to the Answer.

Please contact the undersigned counsel at 301.443.0405 if you have any questions or perceive any problem.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Dooley", written over a horizontal line.

Sean Dooley
Senior Attorney, Public Health Division
Office of the General Counsel

c.c. Lloyd Benton Miller, Esq.
Melanie Baca Osborne, Esq.

UNITED STATES GENERAL SERVICES ADMINISTRATION
CIVILIAN BOARD OF CONTRACT APPEALS

ARCTIC SLOPE NATIVE ASSOCIATION,
LTD.

Appellant,

MICHAEL O. LEAVITT, SECRETARY, U.S.
DEPARTMENT OF HEALTH AND HUMAN
SERVICES; CHARLES GRIM, DIRECTOR,
INDIAN HEALTH SERVICE; UNITED
STATES OF AMERICA

Appellees.

CBCA Nos. 190-ISDA-297-ISDA

IBCA Nos. 4794-4803/06

ISDA Contract No. 243-96-6025

ISDA Compact No. 58G980054

AMENDMENT TO APPELLEE'S ANSWER

The Indian Health Service (IHS) amends its Answer to Arctic Slope Native Association, Ltd.'s (ASNA) Complaint by adding the following:

Tenth Defense

ASNA's claims are barred by accord and satisfaction.

IHS answers the numbered paragraphs of the amended Complaint by adding the following:

34. IHS's answers to paragraphs 1 through 33 are restated and incorporated herein.
35. Paragraph 35 consists of conclusions of law to which no response is required, but insofar as one is deemed required, denied, except to admit that in contract law generally, there exists an implied covenant of good faith and fair dealing in performance and enforcement.
36. The first sentence of paragraph 36 consists of conclusions of law (based on the cited

parenthetical references) to which no response is required, but insofar as one is deemed required, denied, except that the Board is respectfully referred to the Indian Self-Determination and Education Assistance Act (ISDA), 25 U.S.C. 450f et seq., for an accurate and complete statement of its contents. The last sentence in paragraph 36 is denied.

37. The first sentence of paragraph 37 is denied. The second sentence consists of conclusions of law (based on the cited parenthetical references) to which no response is required, but insofar as one is deemed required, denied, except that the Board is respectfully referred to the ISDA for an accurate and complete statement of its contents.

38. Denied.

39. Denied.

IHS specifically denies all allegations in the amended Complaint not otherwise answered herein.

Respectfully submitted,



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Dated: February 9, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Amendment to Appellee's Answer was sent via email and mail this 9th day of February, 2007 to:

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