



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

NOTICE OF DOCKETING

**CBCA 618-ISDA through 625-ISDA - KODIAK AREA NATIVE
ASSOCIATION v. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

February 1, 2007

The Board has received your notice of appeal, which has been docketed as **CBCA 618-ISDA through 625-ISDA**. The appropriate docket number should be referenced in all future correspondence.

- CBCA 618-ISDA - Appeal final decision of 10/25/06 - claim FY 96 \$213,105
- CBCA 619-ISDA - Appeal final decision of 10/25/06 - claim FY 97 \$196,890
- CBCA 620-ISDA - Appeal final decision of 10/25/06 - claim FY 98 \$115,268
- CBCA 621-ISDA - Appeal final decision of 10/25/06 - claim FY 99 \$201,693
- CBCA 622-ISDA - Appeal final decision of 10/25/06 - claim FY 00 \$140,646
- CBCA 623-ISDA - Appeal final decision of 10/25/06 - claim FY 01 \$ 85,238
- CBCA 624-ISDA - Appeal final decision of 10/25/06 - claim FY 03 \$ 63,695
- CBCA 625-ISDA - Appeal final decision of 10/25/06 - claim FY 04 \$253,428

Enclosed for respondent is a copy of the notice of appeal (filed January 24, 2007).

The Clerk's Office is located at 6th floor, 1800 M Street, N.W., Washington, DC 20036. Filings made in person or by courier should be sent to this location. The Board's mailing address is 1800 F Street, N.W., Washington, DC 20405. Filings made via the United States Postal Service should be sent to this address. The Office of the Clerk will receive all papers submitted for filing from 8:00 a.m. to 4:30 p.m. on each day that is not a Saturday, Sunday, or federal holiday. The Board's telephone number is: (202) 606-8800 and its facsimile number is: (202) 606-0019. The filing of a document by facsimile transmission occurs upon receipt by the Board of the entire printed submission

Street Address:
6th Floor, 1800 M Street, NW, Washington, DC 20036

Mailing Address:
1800 F Street NW, Washington, DC 20405


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Due to delays in delivery of U.S. Postal Service mail, please transmit responses by overnight delivery or fax.

This case has been assigned to Board Judge Candida S. Steel, who will initiate proceedings in the case. Judge Steel's telephone number is (202) 606-8817.


BEATRICE JONES
Clerk of the Board

cc:

Lloyd B. Miller, Esq.
Melanie Baca Osborne, Esq.
Sonosky, Chambers, Sachse,
Miller & Munson, LLP
900 West Fifth Avenue, Suite 700
Anchorage, AK 99501

FAX 907-272-8332

[government representative until notice of appearance entered]

Barbara J. Hudson, Esq.
IHS Branch Chief
Office of the General Counsel
Public Health Division
Department of Health and Human Services
Room 4A-53, Parklawn Bldg.
5600 Fishers Lane
Rockville, MD 20857
enclosure - notice of appeal

FAX 301-480-2161
PH 301-443-0406

Charles Grim, D.D.S., M.H.S.A.
Assistant Surgeon General
Director
Indian Health Service
Public Health Service
Department of Health and Human Services
801 Thompson Ave. SU
Rockville, MD 20852
enclosure - notice of appeal

FAX 301-443-4794

02/01/2007 09:09 FAX 2025010664

GSBCA

004/011

LAW OFFICES
**SONOSKY, CHAMBERS, SACHSE,
 MILLER & MUNSON, LLP**
 900 WEST FIFTH AVENUE, SUITE 700
 ANCHORAGE, ALASKA 99501-2029

MARVIN J. SONOSKY (1909-1997)
 HARRY R. SACHSE
 REID PEYTON CHAMBERS
 WILLIAM R. PERRY
 LLOYD BENTON MILLER
 DOUGLAS B.L. ENDRESON
 DONALD J. SIMON
 MYRA M. MUNSON
 ANNE D. NOTO
 MARY J. PAVEL
 DAVID C. MIELKE
 JAMES E. GLAZE
 GARY F. BROWNELL
 COLIN C. HAMPSON
 JAMES T. MEGGESTO
 DOUGLAS W. WOLF

(907) 258-6577
 FACSIMILE (907) 272-8382
 WEBSITE: WWW.SONOSKY.NET

MARISSA K. FLANNERY
 MELANIE BACA OSBORNE
 VANESSA L. RAY-HODGE
 WILLIAM F. STEPHENS
 ADDIE C. ROLNICK
 JENNIFER J. THOMAS
 KATHERINE E. MORGAN
 CAROLE A. HOLLEY

OF COUNSEL
 ARTHUR LAZARUS, JR.
 ROGER W. DUBROCK
 RAY E. MAAGSEN GOUWENS
 MATTHEW S. JAFFE
 RICHARD D. MONEMAN
 AARON M. SCHUTT

January 22, 2007
 Via DHL Delivery

Clerk
 Civilian Board of Contract Appeals
 1800 M Street, N.W., 6th Floor
 Washington, DC 20036

*ALASKA BAR

Re: Kodiak Area Native Association
 ISDA Compact No. 58G950027

Dear Clerk:

I enclose for filing (1) an original and two copies of a Notice of Appeal (2) a Notice of Related Cases; and (3) a diskette containing an electronic version of the documents submitted for filing. Additionally we are enclosing one extra set of the Notice of Appeal and Notice of Related Cases so that the documents can be conformed and returned to us.

Sincerely,

SONOSKY, CHAMBERS, SACHSE,
 MILLER & MUNSON, LLP

Lloyd B. Miller
 Lloyd B. Miller for

Enclosures: Notice of Appeal (original plus 3)
 Notice of Related Cases (original plus 1)
 Diskette with electronic version of above documents

cc: Barbara Hudson, Esq. (via certified mail)
 Secretary Michael Leavitt (via certified mail)
 Dr. Charles Grim (via certified mail)

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Lloyd Benton Miller, Esq.
Melanie Baca Osborne, Esq.
Sonosky, Chambers, Sachse,
Miller & Munson, LLP
900 West Fifth Avenue, Suite 700
Anchorage, Alaska 99501
Telephone: (907) 258-6377
Facsimile: (907) 272-8332

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2007 JAN 24 A 11: 19
CIVILIAN BOARD OF
CONTRACT APPEALS

Attorneys for Contractor/Appellant

CIVILIAN BOARD OF CONTRACT APPEALS

KODIAK AREA NATIVE ASSOCIATION)
3449 Rezanof Drive East)
Kodiak, Alaska 99615)

Appellant,)

vs.)

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. _____ through _____

ISDA Compact No. 58G950027

NOTICE OF APPEAL

The Kodiak Area Native Association ("KANANA") by and through its attorneys Sonosky, Chambers, Sachse, Miller & Munson, LLP, hereby appeal from the October 25, 2006 denials by the U.S. Department of Health & Human Services, Director Dr. Charles Grim, DDS, of the Indian Health Service (IHS) of the U.S. Department of Health & Human Services (DHHS), attached hereto as Exhibits 1 through 8, of multiple "contract support cost" (CSC) damages

claims which KANA properly and timely submitted under the Contract Disputes Act (41 U.S.C. §§ 601–612) (“CDA”) and the Indian Self-Determination and Education Assistance Act (25 U.S.C. §§ 450–458aaa-18) (“ISDA”), as follows:

- (a) a September 27, 2005 damages claim under ISDA Compact No. 58G950027, in the amount of \$213,105, plus interest, for FY 1996;
- (b) a September 27, 2005 damages claim under ISDA Compact No. 58G950027, in the amount of \$196,890, plus interest, for FY 1997;
- (c) a September 27, 2005 damages claim under ISDA Compact No. 58G950027, in the amount of \$115,268, plus interest, for FY 1998;
- (d) a September 27, 2005 damages claim under ISDA Compact No. 58G950027, in the amount of \$201,693, plus interest, for FY 1999;
- (e) a September 27, 2005 damages claim under ISDA Compact No. 58G950027, in the amount of \$140,646, plus interest, for FY 2000;
- (f) a September 27, 2005 damages claim under ISDA Compact No. 58G950027, in the amount of \$85,238, plus interest, for FY 2001;
- (g) a September 27, 2005 damages claim under ISDA Compact No. 58G950027, in the amount of \$63,695, plus interest, for FY 2003; and
- (h) a September 27, 2005 damages claim under ISDA Compact No. 58G950027, in the amount of \$253,423, plus interest, for FY 2004.

The total face amount of the claims so submitted was \$1,269,963.

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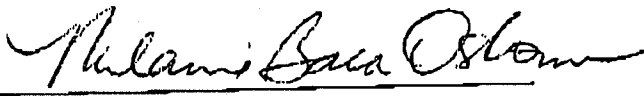
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This appeal involves the failure of the Secretary of DHHS, through authority delegated to the Director of IHS, to pay annually the full contract support costs to which KANA is entitled by operation of law and by its contracts and compacts entered into pursuant to the ISDA.

The Board's jurisdiction is invoked pursuant to 25 U.S.C. §§ 450m-1(a) & (d) of the ISDA and 41 U.S.C. §§ 606 & 607(d) of the CDA. No later than 30 days from receipt of the Board's notice of docketing, KANA intends to file a Complaint as permitted by 48 C.F.R. § 6101.7(b).

Respectfully submitted this 22nd day of January 2007.

SONOSKY, CHAMBERS, SACHSE,
MILLER & MUNSON, LLP

By: 

Lloyd B. Miller
D.C. Bar No. 317131
AK Bar No. 7906040
Melanie Baca Osborne
AK Bar No. 9911068

900 West Fifth Avenue, Suite 700
Anchorage, Alaska 99501-2029
Telephone: 907-258-6377
Facsimile: 907-272-8332


CERTIFICATE OF SERVICE

I hereby certify that I mailed, or caused to be mailed, a true and correct copy of the foregoing document by certified mail, return receipt requested, to the following parties of record this 22nd day of January 2007:

Barbara Hudson, Esq.
Jocelyn S. Beer, Esq.
Office of General Counsel
Public Health Division
U.S. Department of Health
and Human Services
Parklawn Building, Room 4A53
5600 Fishers Lane
Rockville, Maryland 20857

Secretary Michael Leavitt
U.S. Department of Health and
Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201

Dr. Charles W. Grim, Director
U.S. Department of Health and
Human Services
801 Thompson Avenue, Room 440
Rockville, Maryland 20842


Lindy O. Bockhorst

Lloyd Benton Miller, Esq.
Melanie Baca Osborne, Esq.
Sonosky, Chambers, Sachse,
Miller & Munson, LLP
900 West Fifth Avenue, Suite 700
Anchorage, Alaska 99501
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Appellant,)
vs.)
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HUMAN SERVICES; CHARLES GRIM,)
DIRECTOR, INDIAN HEALTH)
SERVICE; UNITED STATES OF)
AMERICA)
Appellees.)

BCA Nos. _____ through _____
ISDA Compact No. 58G950027

NOTICE OF RELATED CASES


The Kodiak Area Native Association ("KANA") by and through its attorneys Sonosky, Chambers, Sachse, Miller & Munson, LLP, hereby gives notice that the issues in the above-captioned action are closely related to those in the following pending appeals:

1. *Arctic Slope Native Association, Ltd. v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al*, IBCA Nos. 4794 through 4803/2006;

2. *Chickasaw Nation v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, IBCA Nos. 4827 through 4837/2006;
3. *Citizen Potawatomi Nation v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, IBCA Nos. 4838 through 4846/2006;
4. *Choctaw Nation v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, IBCA Nos. 4847 through 4855/2006;
5. *Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians v. Indian Health Service*, IBCA Nos. 4724 through 4727/2005;
6. *Assiniboine and Sioux Tribes of the Fort Peck Reservation v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, IBCA Nos. 4809/06 and 4821 through 4826/2006;
7. *Metlakatla Indian Community v. Indian Health Service; Department of Health and Human Services*, IBCA Nos. 4767 through 4771/2006
8. *St. Croix Chippewa Indians of Wisconsin v. Michael O. Leavitt, Secretary, Health and Human Services, et al.*, IBCA Nos. 4810 through 4818/06;
9. *Southcentral Foundation v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, IBCA Nos. 4864 through 4870/06; and
10. *Yukon-Kuskokwim Health Corporation, Inc. v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, IBCA Nos. 4785 through 4791/06.

Respectfully submitted this 22nd day of January 2007.

SONOSKY, CHAMBERS, SACHSE,
MILLER & MUNSON, LLP

By: 

Lloyd B. Miller
D.C. Bar No. 317131
AK Bar No. 7906040
Melanie Baca Osborne
AK Bar No. 9911068

02/01/2007 09:10 FAX 2025010664

GSBCA

011/011

900 West Fifth Avenue, Suite 700
Anchorage, Alaska 99501-2029
Telephone: 907-258-6377
Facsimile: 907-272-8332


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Rockville, Maryland 20842


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