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CIVILIAN BOARD OF CONTRACT APPEALS

SOUTHEAST ALASKA REGIONAL)	
HEALTH CONSORTIUM)	
3245 Hospital Drive)	
Juneau, AK 99801)	
)	CBCA Nos. _____ through _____
Appellant,)	
vs.)	Compact No. 58G950017
)	Contract Nos. 243-88-0003, 243-93-0010,
MICHAEL O. LEAVITT, SECRETARY,)	and 243-96-6006
U.S. DEPARTMENT OF HEALTH AND)	
HUMAN SERVICES; ROBERT G.)	
McSWAIN, ACTING DIRECTOR, INDIAN)	
HEALTH SERVICE; UNITED STATES OF)	
AMERICA,)	
)	
Respondents.)	
_____)	

**MOTION TO CONSOLIDATE
PURSUANT TO CIVILIAN BOARD OF CONTRACT APPEALS
RULE OF PROCEDURE 2(d)**

Southeast Alaska Regional Health Consortium (“SEARHC”), by and through counsel, the law firm of Sonosky, Chambers, Sachse, Miller & Munson, LLP, respectfully moves this Board pursuant to Civilian Board of Contract Appeals Rule of Procedure 2(d) for an order consolidating

this appeal and the appeal filed September 21, 2007, captioned *Southeast Alaska Regional Health Consortium v. U.S. Department of Health and Human Services*, Case No. CBCA 921-ISDA.

On September 21, 2007, SEARHC filed a Notice of Appeal from the June 15, 2007 denial of a portion of its Fiscal Year 1996 claims for contract support cost damages made 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”), in connection with Contract Nos. 243-93-0010 and 243-96-6006. The Notice of Appeal was docketed and assigned case number CBCA 921-ISDA.


On or about June 12, 2007, SEARHC received a letter from Burt Humphrey, Senior Contracting Officer, Alaska Area Native Health Services, denying claims made by SEARHC for contract support cost damages relating to Contract Nos. 243-88-0003 and 243-93-0010 for Fiscal Year 1995. From on or about October 17, 2007 through November 9, 2007, SEARHC received letters from Robert G. McSwain, Acting Director of the Indian Health Service, denying claims made by SEARHC for contract support cost damages relating to Compact No. 58G950017, for Fiscal Years 1995, 1996, 1997, 1998, 1999 and 2000. Filed contemporaneously with this Motion is a Protective Notice of Appeal from the denial of said claims. These claims are appealed to the Board pursuant to 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”).

The issues in the appeal being filed simultaneously with this Motion and the issues arising in connection with CBCA 921-ISDA are the same. It would be in the best interest of the Board and the parties therefore to consolidate these two appeals so that all the Appellant’s claims can be considered together in a single proceeding.

SEARHC respectfully requests that the Board consolidate the Appeal filed today with that certain matter captioned *Southeast Alaska Regional Health Consortium v. U.S. Department of Health and Human Services*, Case No. CBCA 921-ISDA, for all further proceedings, including any hearings or trial that may become necessary.

Respectfully submitted this 4th day of January 2008.

SONOSKY, CHAMBERS, SACHSE,
MILLER & MUNSON, LLP

By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that I mailed, or caused to be mailed, a true and correct copy of the foregoing **MOTION TO CONSOLIDATE PURSUANT TO CIVILIAN BOARD OF CONTRACT APPEALS RULE OF PROCEDURE 2(d)** by certified mail, return receipt requested, to the following parties of record this 4 day of January 2008:

Robert G. McSwain
Acting Director
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Burt Humphrey
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