

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

MOTIONS DENIED: March 4, 2004

GSBCA 16122, 16209

DANNY R. MITCHELL,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Danny R. Mitchell, pro se, Pocahontas, AR.

Gabriel N. Steinberg, Office of Regional Counsel, General Services Administration,
Atlanta, GA, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **PARKER**, **HYATT**, **DeGRAFF**, and
GOODMAN.

Per Curiam.

On January 22, 2004, the Board granted respondent's motion for summary relief and denied the appeal in Danny R. Mitchell v. General Services Administration, GSBCA 16122. On February 26, 2004, the Board granted respondent's motion for summary relief and denied the appeal in Danny R. Mitchell v. General Services Administration, GSBCA 16209. On March 1, 2004, Mr. Mitchell filed the pending Motion for Mistrials, Motion to Vacate Judgments, Motion to Combine Appeals, and Motion to Transfer to the United States District Court for the Eastern District of Arkansas. He filed this motion pursuant to Board Rule 132, which allows us to alter or amend a decision or to grant a new hearing, and Board Rule 133, which allows us to relieve a party from the operation of a final decision. Although Mr. Mitchell has not established his motions in GSBCA 16122 were timely filed, we will consider them on their merits.

We deny appellant's motion for mistrials and motion to vacate judgments, because no grounds exist for granting them. In support of his motions, Mr. Mitchell contends we lacked jurisdiction to consider any of the issues presented in either of the appeals he filed here. As we explained in both our decisions, however, Mr. Mitchell appealed to us from decisions

issued by contracting officers who denied claims submitted by Mr. Mitchell, and the Contract Disputes Act provides us with jurisdiction to review such decisions. 41 U.S.C. §§ 601-613 (2000). To the extent the appeals raised issues beyond our jurisdiction, we could not and did not consider them. Mr. Mitchell's mistaken belief that we lacked jurisdiction to consider any of the issues presented in either appeal does not constitute grounds for granting the pending motions.

We deny appellant's motion to combine appeals, because no purpose would be served by any such order at this stage of the proceedings and because appellant has put forward no grounds for consolidating the appeals. Although this order applies to each captioned appeal, it does not represent a consolidation of the appeals.

We deny appellant's motion to transfer the appeals to the district court because we lack the authority to make such a transfer.

The motions are **DENIED**.