

LYLE GONTERMAN AND)	AGBCA No. 2000-121-3
PEGGY GONTERMAN,)	
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Steven D. Peterson)	
Rolig & Peterson, L.L.P.)	
Attorneys at Law)	
P.O. Box 2749)	
Twin Falls, Idaho 83303-2749)	
)	
Representing the Government:)	
)	
Arno Reifenberg)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
1734 Federal Building)	
1220 S.W. Third Avenue)	
Portland, Oregon 97204-2825)	

DECISION OF THE BOARD OF CONTRACT APPEALS

 April 18, 2000

Before HOURY and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

The Board received this appeal on January 6, 2000, from Lyle Gonterman and Peggy Gonterman of Castleford, Idaho (Appellants). The appeal was from a decision of a U. S. Department of Agriculture (USDA), Farm Service Agency (FSA) Farm Loan Officer. The decision stated that a Shared Appreciation Agreement (SAA) had matured and the Appellants were required to repay a shared appreciation recapture in the amount of \$58,500 due under the SAA.

Because the documents filed did not clearly demonstrate Board jurisdiction pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613, as amended, the Board in its January 10, 2000 docketing letter, directed the parties to brief the jurisdictional issue prior to commencement of

further proceedings. Such briefing was to be submitted within 30 days of receipt of the Board's January 10, 2000 letter. The FSA responded by letter of January 27, 2000. Appellant did not respond.

The Board conducted a telephonic conference call with the parties on March 29, 2000. The purpose of the call was to discuss the jurisdictional issue. Appellant was represented by Mr. Peterson and the FSA by Mr. Reifenberg. The Board explained that its jurisdiction is limited to deciding appeals under the CDA or appeals from final administrative determinations of the Federal Crop Insurance Corporation (FCIC) pursuant to 7 C.F.R. § 400.169. Appellant has the burden to demonstrate jurisdiction. The Board may not assume jurisdiction absent a demonstration of its propriety under the CDA or the FCIC regulations. Mr. Peterson replied that Appellant was unable to show that the Board has jurisdiction. Accordingly, this appeal must be dismissed for lack of jurisdiction.

DECISION

The appeal is dismissed.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

Issued at Washington, D.C.
April 18, 2000