

Turning Back Time

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The U.S. Court of Federal Claims recently denied a motion for reconsideration filed by Plaintiff, Guardian Angels Medical Service Dogs, Inc., confirming the Court's earlier dismissal of Guardian's claim as time barred. In *Guardian Angels Medical Service Dogs, Inc. v. United States*, the Court had granted the Government's motion to dismiss the complaint as untimely. Guardian filed a motion for reconsideration, arguing first that the statute of limitations had not begun to run until the Contracting Officer sent its May 3, 2013 response to Guardian's letter seeking reconsideration, which characterized as the Contracting Officer's final decision.

The Court, however, rejected this argument, holding that the Contracting Officer's final decision to terminate for default was on August 31, 2012, after which Guardian had a "12-month window to appeal." Guardian's complaint filed on January 7, 2014 was therefore time-barred.

Guardian also argued that the statute of limitations had been tolled by a letter asking the Contracting Officer to reconsider its decision terminating the contract claim for default. The Court rejected this argument, too, holding that "simply submitting a request for reconsideration is insufficient to toll the statute of limitations. . . ." At best, the Court explained, the finality of the Contracting Officer's decision could be temporarily suspended during the time genuinely spent considering one's request for reconsideration. But in this case, the Court noted, the Contracting Officer had spent no time reviewing the reconsideration request because the Contracting Officer lacked the documentation required to review the decision. Guardian in fact had failed to provide the requested additional information the Contracting Officer had asked for and therefore, reconsideration never began.

Read full decision [here](#).