

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**OPTIMUM SERVICES, INC.,**  
*Appellant,*

v.

**JOHN MCHUGH, Secretary of the Army,**  
*Appellee.*

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2014-1228

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Appeal from the Armed Services Board of Contract Appeals in No. 57575, Administrative Judge Peter D. Ting.

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**JUDGMENT**

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RICHARD GOEKEN, Smith, Currie & Hancock LLP, of Washington, DC, argued for appellant. On the brief was KARL F. DIX, JR., of Atlanta, Georgia.

DEVIN A. WOLAK, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for appellee. With him on the brief were STUART F. DELERY, Assistant Attorney General, ROBERT E. KIRSCHMAN, JR., Director, and DONALD E. KINNER, Assistant Director.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, WALLACH, and HUGHES, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

November 7, 2014

Date

/s/ Daniel E. O'Toole

Daniel E. O'Toole  
Clerk of Court