

NOTE: This disposition is nonprecedential.

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

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**TUG HILL CONSTRUCTION, INC.,**  
*Appellant*

v.

**JOHN M. MCHUGH, SECRETARY OF THE ARMY,**  
*Appellee*

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2015-1320

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Appeal from the Armed Services Board of Contract Appeals in No. 57825, Administrative Judge Timothy Paul McIlmail.

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**JUDGMENT**

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BRIAN RAYMOND DUGDALE, Varela, Lee, Metz & Guarino, LLP, Tysons Corner, VA, argued for appellant. Also represented by RAE DEANNA MUELLER.

PETER ANTHONY GWYNNE, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for appellee. Also represented by BENJAMIN C. MIZER, ROBERT E. KIRSCHMAN, JR., STEVEN J. GILLINGHAM; DAWN-CAROLE HARRIS, CINDY E.

SHIMOKUSU, CHARLES L. WEBSTER III, United States Army  
Corps of Engineers, Fort Worth, TX.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, REYNA, *Circuit  
Judge*, and STARK, *Chief District Judge*).\*

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

ENTERED BY ORDER OF THE COURT

November 13, 2015  
Date

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court

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\* Honorable Leonard P. Stark, Chief District Judge,  
United States District Court for the District of Delaware,  
sitting by designation.