

CBCA and ASBCA Issue 2024 Annual Reports

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The [Civilian Board of Contract Appeals](#) (CBCA) recently published its [annual report](#), providing key statistics on cases filed at and adjudicated by the CBCA in Fiscal Year (FY) 2024.

Of note, the CBCA found in favor of the contractor, either in whole or in part, in **43%** of its decisions on the merits in FY 2024. This is consistent with the board's FY 2023 sustain rate, which was **45%**, and represents a trend upward from FY 2022 where the board sustained only **21%** of the appeals decided on the merits. The board for the last three FYs had consistently resolved between **40 to 50 cases** on the merits.

In comparison, the [Armed Services Board of Contract Appeals'](#) (ASBCA) [annual report](#) shows that the ASBCA resolved **46%** of its decisions on the merits in favor of the contractor in FY 2024. This is down from the ASBCA's **67%** sustain rate in FY 2023 and **72%** sustain rate in FY 2022.

Among the other noteworthy statistics from this year's CBCA report are:

- In FY 2024, 392 new cases were docketed at the CBCA.
- Of those 392 cases, 165 cases docketed by the CBCA were Contract Disputes Act (CDA) appeals, a slight drop from FY 2023's 246 CDA cases but consistent with FY 2022 (177 CDA cases) and FY 2021 (185 CDA cases). By comparison, the ASBCA docketed 276 CDA cases in FY 2024, which was down from the ASBCA's historically high docketing (342 CDA cases in FY 2023, and 400 CDA cases in FY 2022 and FY 2021, respectively).
- A majority of the cases docketed by the CBCA in FY 2024 were "other cases," including 65 FEMA arbitrations requests, 45 travel and relocation cases, and 13 debt cases.
- 375 cases were resolved by the CBCA in FY 2023, with 132 of those on the merits.
- The net change in the CBCA's total docket count from the end of FY 2022 to the end of FY 2024 was +17.
- Of the decisions on the merits in FY 2024, the CBCA granted the appeal in three instances, granted the appeal in part 16 times, and denied the appeal in 25 instances, which, as noted above, resulted in a finding of merit in whole or in part approximately 43% of the time.
- In FY 2024, the CBCA dismissed 136 CDA cases, 126 of which were voluntarily dismissed and 10 of which were dismissed by decision.

- There were 27 hearings conducted by the CBCA in FY 2024. The ASBCA conducted 15 hearings in FY 2024.
- There were 73 alternative dispute resolution sessions held by the CBCA in FY 2024, 60 of which resolved the dispute, two of which partially resolved the dispute and 11 of which did not. On the other hand, the ASBCA diverted 97 cases to ADR with 77 being successfully resolved.
- Of the agencies that appear before the CBCA, the Department of State was the most likely to enter into ADR in FY 2024, entering into 26 ADRs and having 17 disputes docketed or 1.5 ADRs for every dispute filed.
- The Department of Veterans Affairs, on the other hand, was the least likely to enter into ADR in FY 2024, entering into 16 ADRs and having 55 disputes docketed or 3.44 disputed for every one ADR agreed to.

The below chart — which is from the CBCA's 2024 annual report — details the total cases pending, filed, and resolved in FY 2024:

	ADR	Appeal	Debt	EAJA	FOC	FEMA	FMCSA	ISDA	Other	Petition	Rate	RELO	TRAV	Total
On docket at start of fiscal year	20	326	3	4	0	21	0	11	2	0	0	8	2	397
Docketed	73	168	13	0	0	65	9	11	6	1	1	29	16	392
Resolved	73	180	14	4	0	51	6	6	8	0	1	18	14	375
Decision on merits	0	44	7	4	0	37	3	0	8	0	1	17	11	132
Granted	0	3	2	0	0	1	0	0	0	0	0	4	4	14
Granted-In-Part	0	16	2	4	0	13	2	0	0	0	0	4	1	42
Denied	0	25	3	0	0	23	1	0	8	0	1	9	6	76
Dismissals	0	136	7	0	0	14	3	6	0	0	0	1	3	170
Dismissed (voluntary)	0	126	4	0	0	12	3	5	0	0	0	1	2	153
Dismissed by decision	0	10	3	0	0	2	0	1	0	0	0	0	1	17
ADR Outcome	73	0	0	0	0	0	0	0	0	0	0	0	0	73
Fully Resolved	60	0	0	0	0	0	0	0	0	0	0	0	0	60
Partially Resolved	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Not Resolved	11	0	0	0	0	0	0	0	0	0	0	0	0	11
Pending at close of fiscal year	20	314	2	0	0	35	3	16	0	1	0	19	4	414
Net change in docket	0	-12	-1	-4	0	14	3	5	-2	1	0	11	2	17
Interlocutory Decisions	0	23	0	0	0	0	0	0	0	0	0	0	0	23

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