

NOTE: This disposition is nonprecedential.

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

TUG HILL CONSTRUCTION, INC.,
Appellant

v.

JOHN M. MCHUGH, SECRETARY OF THE ARMY,
Appellee

2015-1320

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

JUDGMENT

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.

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

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