

**Board of Contract Appeals**  
General Services Administration  
Washington, D.C. 20405

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MOTION FOR RECONSIDERATION  
DENIED: September 22, 2003

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GSBCA 16050-R

STAN DIEKER,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Stan Dieker, pro se, Placitas, NM.

A.R. Dattolo, Office of Regional Counsel, General Services Administration, Atlanta, GA, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman) and **BORWICK**.<sup>1</sup>

**BORWICK**, Board Judge.

Appellant seeks reconsideration of our decision in Stan Dieker v. General Services Administration, GSBCA 16050, 03-2 BCA ¶ 32,283. That appeal involved the sale of an automobile and respondent's delivery of the wrong vehicle to appellant after the sale. We

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<sup>1</sup> The Board's decision as to which reconsideration is sought was issued by a panel which included Judge Mary Ellen Coster Williams as well as Judges Daniels and Borwick. Since the issuance of that decision, Judge Williams has resigned from the Board. On reconsideration, a board of contract appeals may not change the panel of judges to which the case is assigned. This decision is consequently being issued by the two remaining members of the original panel. ICF Severn, Inc. v. National Aeronautics & Space Administration, GSBCA 11552-C-R (11334-P), 94-3 BCA ¶ 27,162, at 135,355 n.1; Integrated Systems Analysts, Inc. v. Department of the Navy, GSBCA 10750-P-R, 94-1 BCA ¶ 26,257, at 132,196 n.1; Unit Data Service Corp. v. Department of Veterans Affairs, GSBCA 10775-P-R, 93-3 BCA ¶ 25,964, at 129,126 n.1 (all citing Universal Restoration, Inc. v. United States, 798 F.2d 1400, 1406 n.9 (Fed. Cir. 1986)).

denied appellant's appeal, which sought damages. We concluded that the description warranty clause of the contract, which provided for a refund of the bid price in the case of a misdescription, provided the exclusive remedy available to appellant. The contracting officer had offered appellant such a refund. We rejected appellant's argument that the Government had acted fraudulently.

On reconsideration, appellant repeats the same arguments he made initially. Arguments already made and reinterpretation of old evidence are not sufficient grounds for granting reconsideration. Rule 132(a). Appellant's arguments are no more convincing upon the second telling than they were the first time. Appellant does correctly note that the document the respondent's officials allegedly altered was a title certificate, not a certificate to obtain title. The result does not change. The motion for reconsideration is **DENIED**.

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ANTHONY S. BORWICK  
Board Judge

I concur:

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STEPHEN M. DANIELS  
Board Judge