

**§ 955.9 (Rule 9) Prehearing briefs.**

After reviewing the pleadings and appeal file documents, the Board may require the parties to submit prehearing briefs in any case in which a hearing will be held. Either party may also request permission to file a prehearing brief. If the Board grants that request, it will allow the other party to also file a prehearing brief. If prehearing briefs are submitted, they must be filed at least 15 days before the date set for hearing, or as otherwise ordered by the Board.

**§ 955.10 (Rule 10) Conferences with the parties.**

(a) Regardless of whether an appeal will be decided after a hearing or on the written record, the Board may, on its own initiative or at the request of one of the parties, convene a conference to consider:

- (1) Simplifying or clarifying the issues;
- (2) Obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, and similar agreements to avoid unnecessary proof;
- (3) Limiting the number of witnesses and avoiding cumulative evidence;
- (4) Settling any of the disputed issues; and
- (5) Discussing any other matters that may aid in disposing of the appeal.

(b) The Board will prepare a written summary of any conference with the parties. The written summary will be part of the record.

**§ 955.11 (Rule 11) Submission without a hearing.**

(a) If the parties elect to submit the appeal on the record without a hearing, the Board will set a schedule for the parties to complete the record and file briefs. Submission of the case without a hearing does not relieve the parties from the burden of proving the facts supporting their allegations or defenses. The parties may file affidavits, declarations, depositions, admissions, answers to interrogatories, and stipulations to supplement the record.

(b) The Board may also rely on any documents listed in Rule 13(a). The Board may order the parties to submit briefs in support of their positions.

(c) Except as the Board may otherwise order, no evidence will be received after the Board closes the record.

(d) The Board may ask the parties to submit additional evidence or briefs on any matter relevant to the appeal. The Board may also request oral argument.

(e) The record will then be settled as described in Rule 13.

**§ 955.12 (Rule 12) Optional Small Claims (Expedited) and Accelerated Procedures.**

(a) *The Small Claims (Expedited) Procedure.* (1) The Expedited Procedure is available solely at the appellant's election. The Board will, whenever possible, decide the appeal within 120 days from receipt of the appellant's written election.

(2) The appellant may elect this procedure if:

- (i) There is a monetary dispute of \$50,000 or less; or
- (ii) There is a monetary dispute of \$150,000 or less and the appellant is a small business concern, as that term is defined in the Small Business Act and the regulations in 13 CFR part 121.

(3) In cases proceeding under this paragraph (a), the respondent must file a copy of the contract, the contracting officer's final decision, and the appellant's claim letter within ten days from the respondent's receipt of the appellant's election. If either party asks for an oral hearing, the Board will promptly schedule a hearing at a mutually convenient time and place, consistent with the 120-day deadline for issuing a decision. If neither party requests a hearing, the appeal will be decided on the written record under Rule 11.

(4) After receipt of the appellant's election, the Board will set a schedule to allow for the timely resolution of the appeal. Pleadings, discovery, and other prehearing activities may be restricted or eliminated at the Board's discretion. In so doing, the Board may reserve whatever time it considers necessary to issue a decision.

(5) Written decisions issued under this paragraph (a) will contain only summary findings of fact and conclusions of law. Decisions will be issued by one judge. The presiding judge may issue an oral decision at the close of