



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: August 23, 2007

CBCA 815

CHOOSHGAI COMMUNITY SCHOOL,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Sampson Martinez, Gallup, NM, counsel for Appellant.

Keith W. Weaver, Office of the Solicitor, Department of the Interior, Albuquerque, NM, counsel for Respondent.

POLLACK, Board Judge.

ORDER

On August 13, 2007, the Board received a joint stipulation from the parties concerning the filing of appellant's notice of appeal in this case. In that stipulation, the parties agreed that appellant's notice of appeal had not been filed within the statutorily prescribed time period required under the Contract Disputes Act, 41 U.S.C. § 606, as it had not met the ninety-day limitation. The parties further stipulated that no proper appeal was ever filed with the Board and further stipulated that the dismissal would not preclude a timely filing at the United States Court of Federal Claims.

In the joint stipulation, the parties asked that the Board dismiss the appeal with prejudice.

To effectuate the parties' request, this appeal is **DISMISSED WITH PREJUDICE**.

HOWARD A. POLLACK
Board Judge