



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED: November 16, 2007

CBCA 958-C(118)

FLATHEAD CONTRACTORS, LLC,

Applicant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Mark Mann, Flathead Contractors, LLC, Muskogee, OK, appearing for Applicant.

Mary E. Sajna, Office of the General Counsel, Department of Agriculture, Portland, OR, counsel for Respondent.

POLLACK, Board Judge.

ORDER

Applicant's "Motion for Award of Fees and Expenses" (Application for Costs) was docketed by the Board on November 1, 2007. The Board notified the parties on November 2, 2007, that the time for filing this action is premature. The Board has received from applicant a Motion to Dismiss the subject application, subject to applicant being able to refile an application at the appropriate time.

Therefore, this application is **DISMISSED WITHOUT PREJUDICE** to its being refiled no later than thirty calendar days after a final disposition in the underlying appeal. See Rule 30(b).

HOWARD A. POLLACK
Board Judge