



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR FAILURE TO PROSECUTE: August 23, 2007

CBCA 73

MANUEL ROSADO,¹

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Manuel Rosado, pro se, Miami, FL.

William M. Stevens, Customs and Border Protection, Department of Homeland Security, Washington, DC, appearing for Respondent.

Before Board Judges **DANIELS** (Chairman), **STERN** and **SOMERS**.

SOMERS, Board Judge.

ORDER

This appeal arose out of a contract for the sale of a vehicle pursuant to a government public auction held in Port Everglades, Florida, on December 15, 2005. EG&G Technical Services (EG&G) conducted the auction on behalf of the Department of Homeland Security,

¹ Previously, this case had been incorrectly docketed by the Department of Transportation Board of Contract Appeals (DOTBCA) with EG&G Technical Services identified as appellant. The case was transferred to this Board effective January 6, 2007, upon consolidation of the various civilian boards of contract appeals. See Pub. L. No. 109-163, § 847, 119 Stat. 3136 (2006).

Customs and Border Protection. The terms of the contract required appellant, Manuel Rosado, to pick up the purchased property by December 22, 2005. In January 2006, Mr. Rosado attempted to retrieve the property from EG&G. EG&G refused to release the property. In a letter dated January 27, 2006, EG&G informed Mr. Rosado that he had been placed in default for his failure to pick up the property by the date required. By decision dated May 19, 2006, the contracting officer denied Mr. Rosado's request for reconsideration. Mr. Rosado filed this appeal on May 24, 2006.

By letter dated July 12, 2006, the contracting officer advised the DOTBCA that the parties had reached a settlement. By order dated August 15, 2006, the DOTBCA ordered appellant to file a written notice withdrawing the appeal, or, alternatively, requested that the parties file a written stipulation of dismissal. Since that time, the DOTBCA and this Board have attempted to contact appellant several times, without success. Therefore, based upon appellant's failure to prosecute his appeal, the appeal is dismissed.

Accordingly, this appeal is **DISMISSED FOR FAILURE TO PROSECUTE.**

JERI KAYLENE SOMERS
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

JAMES L. STERN
Board Judge