



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED: January 29, 2010

CBCA 1784

HARMONY INDUSTRIES,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Leonard G. Birnbaum of Birnbaum & Umeda, LLP, Summit, NJ, counsel for Appellant.

Talbot J. Nicholas II, Office of Procurement Law, United States Coast Guard, Department of Homeland Security, Washington, DC, counsel for Respondent.

**GILMORE**, Board Judge.

ORDER

On November 2, 2009, appellant filed an appeal from a final decision of respondent's contracting officer denying appellant's claim for an equitable adjustment in the amount of \$254,944. On January 11, 2010, appellant moved for dismissal of its appeal because it had not certified the claim as required by the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (2006) (CDA). Respondent advised that it does not object to the motion.

Accordingly, the appeal is **DISMISSED**.

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BERYL S. GILMORE  
Board Judge