



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

---

DISMISSED: August 17, 2012

CBCA 2898

TORNADO SOFT EXCAVATION, LLC,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Patrick Ryan, Owner of Tornado Soft Excavation, LLC, Independence, OR, appearing for Appellant.

Zoey L. Kohn, Office of General Counsel, Department of Agriculture, Portland, OR, counsel for Respondent.

**POLLACK**, Board Judge.

ORDER

On July 24, 2012, the Board docketed CBCA 2898 in response to a filing from appellant that was received by the Board on July 19, 2012. It has been determined that the filing was not intended as an appeal, but rather was intended as a filing in CBCA 2857. On August 2, 2012, the Board held a telephone conference with the parties to clarify the status of CBCA 2898. The parties agreed that the docketed matter was not intended as a separate

appeal, that the newly docketed appeal should be dismissed, and that the matter would continue to be pursued under CBCA 2857. Accordingly, the appeal in CBCA 2898 is **DISMISSED**.

---

HOWARD A. POLLACK  
Board Judge