



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED: June 4, 2012

CBCA 2617

OPTIMUM SERVICES, INC.,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

James W. Copeland of The Copeland Law Firm, LLC, Atlanta, GA, counsel for Appellant.

Emily E. Parkhurst, Office of the Solicitor, Department of the Interior, Lakewood, CO, counsel for Respondent.

SHERIDAN, Board Judge.

ORDER

This appeal involves costs associated with a termination for convenience issued by the respondent, Department of the Interior, National Parks Service, on contract C2000091200 awarded to appellant, Optimum Services, Inc. (OSI).

During a telephone conference conducted on May 21, 2012, in which various jurisdictional aspects of the case were discussed, Judge Sheridan opined that appellant's "claim" was not a properly certified claim as required by the Contract Disputes Act (CDA), 41 U.S.C.A. § 7103 (West Supp. 2011). She also noted that the "retroactive certification" contained in OSI's September 27, 2011, letter did not correct OSI's original failure to certify

its claim. *Gulf Shores, LLC v. Department of Homeland Security*, DOTBCA 4530, 06-2 BCA ¶ 33,384.

The parties have submitted a joint motion to withdraw this appeal so that the jurisdictional defects may be corrected. The motion is granted and the case is **DISMISSED**.

PATRICIA J. SHERIDAN
Board Judge