



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: September 5, 2007

CBCA 812

DUVALL-COULTER ASSOCIATES, INC.,

Appellant,

v.

DEPARTMENT OF LABOR,

Respondent.

Laurence Schor and Susan L. Schor of McManus, Schor, Asmar & Darden, L.L.P., Washington, DC, counsel for Appellant.

Charles K. Bucknor, Jr. and Dennis Adelson, Office of the Solicitor, Department of Labor, Washington, DC, counsel for Respondent.

KULLBERG, Board Judge.

ORDER

On July 11, 2007, the Board received notice of this appeal. Appellant cited the failure of the contracting officer to issue a final decision on its claim as the basis for its appeal. The Government filed a motion to dismiss this appeal for lack of jurisdiction on August 6, 2007. The Government asserted that appellant's claim did not arise out of a contract, but rather, it was in the nature of a bid protest. On August 27, 2007, appellant filed a motion to withdraw this appeal and requested that the Board dismiss this appeal with prejudice.

The Board **DISMISSES WITH PREJUDICE** this appeal.

H. CHUCK KULLBERG
Board Judge