



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: September 16, 2008

CBCA 1068

XEROX CAPITAL SERVICES, LLC,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Donald J. Walsh of Offit Kurman, P.A., Owings Mills, MD, counsel for Appellant.

Nilza Velázquez, Office of the General Counsel, Department of Homeland Security, Washington, DC, counsel for Respondent.

VERGILIO, Board Judge.

ORDER

On February 6, 2008, the Board received from Xerox Capital Services, LLC (contractor) a notice of appeal concerning deemed denials of claims totalling \$148,060.26 relating to unpaid invoices. The contractor claims entitlement to payment for delivery and performance pursuant to purchase orders with the Department of Homeland Security (the Government) issued under the contractor's contract, GS 25F 0062L, with the General Services Administration. Having received neither payment nor a decision by the contracting officer on its claims, the contractor pursues relief at this Board under the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended.

During an initial telephone conference (before the submission of the appeal file, complaint, or answer), the parties agreed to stay formal proceedings as they explored the issues and resolution. On September 16, 2008, the Board received a request for a dismissal with prejudice; the parties have settled this dispute.

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

JOSEPH A. VERGILIO
Board Judge