



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: August 25, 2009

CBCA 1540

XEROX CAPITAL SERVICES, LLC,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Richard D. Lieberman and Gabriel D. Soll of McCarthy, Sweeney & Harkaway, PC, Washington, DC, counsel for Appellant.

Ronald D. Sullivan, Office of the General Counsel, Department of Veterans Affairs, Austin, TX, counsel for Respondent.

VERGILIO, Board Judge.

ORDER

On March 24, 2009, the Board received from Xerox Capital Services, LLC (contractor) a notice of appeal, docketed as CBCA 1540, alleging a deemed denial of its claim relating to an unpaid invoice arising under purchase order/delivery order 642-C60059 issued by the respondent, the Department of Veterans Affairs, pursuant to 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 claim, the contractor pursues relief at this Board under the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended.

To assist in determining if there existed a dispute, the presiding judge directed that the appropriate contracting officer issue a decision on the underlying claim. By decision dated April 30, 2009, the contracting officer determined that the contractor is entitled to the unpaid amount of its invoice, and noted that the matter has been forwarded to the appropriate fiscal

officer for immediate payment. On August 20, 2009, the Board received a request for a dismissal with prejudice; the contractor has received payment.

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

JOSEPH A. VERGILIO
Board Judge