



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

JOINT MOTION FOR RECONSIDERATION DENIED: October 1, 2009

CBCA 1305

LIBBEY PHYSICAL MEDICINE CENTER AND HOT
SPRINGS HEALTH SPA,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Charles A. Banks and Robert W. Francis of Banks Law Firm, PLLC, Little Rock, AR, counsel for Appellant.

Charles B. Wallace, Office of the Solicitor, Department of the Interior, Washington, DC, counsel for Respondent.

Before Board Judges **VERGILIO**, **DRUMMOND**, and **WALTERS**.

WALTERS, Board Judge.

____ Appellant, Libbey Physical Medicine Center and Hot Springs Health Spa (Libbey), and respondent, the Department of the Interior (DOI), jointly have moved the Board to reconsider its decision of September 9, 2009, denying the parties' joint motion to vacate an earlier Board ruling, *Libbey Physical Medicine Center and Hot Springs Health Spa v. Department of the Interior*, CBCA 1305, 09-1 BCA ¶ 34,080, and to dismiss the appeal with prejudice. The earlier joint motion was based on a possible settlement that was expressly conditioned on this Board's vacating its February 26, 2009, ruling, which denied DOI's motion to dismiss the appeal for lack of subject matter jurisdiction under the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (2006) (CDA).

The parties have raised nothing new or noteworthy in their joint motion for reconsideration. Rule 26, 48 CFR 6101.26 (2008). Accordingly, the motion is **DENIED**.

RICHARD C. WALTERS
Board Judge

We concur:

JOSEPH A. VERGILIO
Board Judge

JEROME M. DRUMMOND
Board Judge