



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED: October 6, 2010

CBCA 1836-ISDA

MARK MARKS, DENNIS SIMMONS,
AND WILLARD BRUGUIER,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Jeffrey P. Maks of Finch Maks, Prof. L.L.C., Rapid City, SD, counsel for Appellant.

Alice Peterson, Office of the Field Solicitor, Department of the Interior, Washington, DC, counsel for Respondent.

POLLACK, Board Judge.

ORDER

On December 17, 2009, the Board docketed the appeal of Mark Marks, Dennis Simmons, and Willard Bruguier. Initially it appeared that the claim was from a final decision; however, upon further investigation, it was established that the claim was on the basis of a deemed denial. Subsequently, further facts came to light, the Board and the parties engaged in discussions, and counsel for appellant recognized that the claim underlying the appeal had not been submitted to the proper Government contracting official. Counsel then submitted a letter to the Board asking to withdraw the docketed appeal.

Accordingly, the request is granted and the appeal is **DISMISSED**.

HOWARD A. POLLACK
Board Judge