



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: September 20, 2012

CBCA 1945

AMERICAN COUNSELING ASSOCIATION,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Hilary S. Cairnie and Dena S. Kessler of Baker & Hostetler, LLP, Washington, DC, counsel for Appellant.

William R. Korth, Office of the General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

VERGILIO, Board Judge.

ORDER

On March 24, 2010, the Board received from Heritage of America, LLC (contractor) a timely-filed notice of appeal concerning its contract, VA101(049A3)-V-0329, with the Department of Veterans Affairs (agency), under which the contractor provided vocational rehabilitation and employment services. Through a certified claim, the contractor sought payment under various theories. As the assignee under a Chapter 11 bankruptcy proceeding, the American Counseling Association became the party of interest over the claim. After the denial of the agency's motion to dismiss portions of the appeal, *Heritage of America v. Department of Veterans Affairs*, CBCA 1945, 12-1 BCA ¶ 34,888 (2011), the parties successfully resolved the dispute. On September 20, 2012, the Board received notice that the parties have resolved the dispute, along with a request that the matter be dismissed with prejudice.

Accordingly, the Board **DISMISSES WITH PREJUDICE** this appeal.

JOSEPH A. VERGILIO
Board Judge