



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITHOUT PREJUDICE: August 20, 2013

CBCA 3489

TIBBS INFORMATION SYSTEMS, INC.,

Appellant,

v.

DEPARTMENT OF LABOR,

Respondent.

Lawrence J. Sklute of Sklute & Associates, Potomac, MD, counsel for Appellant.

Dennis Adelson, James A. Bruno, and David R. Koeppl, Office of the Solicitor, Department of Labor, Washington, DC, counsel for Respondent.

VERGILIO, Board Judge.

ORDER

On August 7, 2013, the Board received a notice of appeal from Tibbs Information Systems, Inc. (contractor) concerning a delivery order, DOLF1FF22641, under a commercial item contract, GS35F0557X, with the Department of Labor (agency). The notice of appeal references a contracting officer's decision, dated May 22, 2013, denying a request for equitable adjustment. Also on August 7, the Board received a request for a dismissal without prejudice of the underlying appeal; the contractor opines that no claim exists. By submission dated August 14, the agency concurred with the motion to dismiss without prejudice, agreeing with the contractor that the request for equitable adjustment did not constitute a claim.

Given the jointly supported request, the appeal is hereby **DISMISSED WITHOUT PREJUDICE**.

JOSEPH A. VERGILIO
Board Judge