ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --	)	
	)	
Task Source/MPSC FEPP, LLC	)	ASBCA No. 59951
	)	
Under Contract No. H98210-15-C-0005	)	

APPEARANCES FOR THE APPELLANT: Steven J. Koprince, Esq.
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APPEARANCES FOR THE GOVERNMENT: Hattie R. DuBois, Esq.
William C. Moorhouse, Esq.
  Associate General Counsel
Carolyn T. Howell, Esq.
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  Alexandria, VA

ORDER OF DISMISSAL

Appellant earlier filed a "Notice of Voluntary Dismissal," purporting to dismiss this action without prejudice. Because our rules do not provide for a unilateral dismissal without prejudice, we treated the filing as a motion to which the government was afforded the opportunity to respond. We also permitted appellant the opportunity to consider whether it would dismiss this matter with prejudice if that were the choice otherwise presented to it. The government responded by requesting that the case be dismissed with prejudice or, in the alternative, that the appeal be dismissed for lack of jurisdiction or because the contract at issue was allegedly void *ab initio* due to fraud. In response, appellant states that it has no objection to its case being dismissed with prejudice.

Accordingly, appellant has effectively made an unopposed motion to dismiss with prejudice, and the government's motion to dismiss is effectively withdrawn because it was only made in the alternative to appellant's case being dismissed without prejudice.

We thus grant appellant's unopposed motion and deem the government's motion to be withdrawn.

The appeal is dismissed with prejudice.

Dated: 2 February 2016

J. REID PROUTY
Administrative Judge
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA No. 59951, Appeal of Task Source/MPSC FEPP, LLC, rendered in conformance with the Board's Charter.

Dated:

JEFFREY D. GARDIN
Recorder, Armed Services
Board of Contract Appeals