

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Cutter Enterprises, LLC) ASBCA No. 60984
)
Under Contract No. W912TF-14-D-0513)

APPEARANCES FOR THE APPELLANT: Peter J. Martin, Esq.
Timothy T. Corey, Esq.
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Hartford, CT

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
MAJ David H. Stem, JA
Trial Attorney

ORDER OF DISMISSAL

By letter dated 6 January 2017, appellant appealed from a contracting officer's letter purporting to be a final decision, which the Board docketed as ASBCA No. 60984. By motion dated 26 January 2017, the government moved to dismiss this appeal for lack of jurisdiction, alleging that appellant failed to file a claim with the contracting officer. By letter dated 17 February 2017, appellant informed the Board that the contracting officer's 13 October 2016 decision had been withdrawn, and that appellant wished to withdraw its appeal "without prejudice and with a full reservation of rights." The government does not object to appellant's request. Accordingly, this appeal is dismissed without prejudice.

Dated: 28 March 2017


MARK N. STEMPLER
Administrative Judge
Vice Chairman
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. 60984, Appeal of Cutter Enterprises, LLC, rendered in conformance with the Board's Charter.

Dated:

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