

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Al-Wafa Al-Dayim Company) ASBCA No. 59530
)
Under Contract No. DABV01-04-C-0176)

APPEARANCE FOR THE APPELLANT: Robert S. Gardner, Esq.
Colorado Springs, CO

APPEARANCES FOR THE GOVERNMENT: Raymond M. Saunders, Esq.
Army Chief Trial Attorney
CPT Vera A. Strelbel, JA
Trial Attorney


ORDER OF DISMISSAL

On 9 September 2014, the government moved to dismiss this appeal, arguing, *inter alia*, that this appeal involved a Coalition Provisional Authority contract over which the Board lacked jurisdiction. By letter dated 8 January 2015, appellant requested to withdraw its appeal conditioned on dismissal of the appeal without prejudice. Appellant's 8 January 2015 letter stated, in pertinent part:

Appellant makes the request to withdraw its appeal in recognition of the fact that the contract under which Appellant's claims arise was a contract with the Coalition Provisional Authority (CPA). The Board's decisions have made it very clear that the Board does not have jurisdiction over contracts with the CPA. Thus, further pursuit of the appeal before the Board is, in all likelihood, futile. *See Agility Logistics Services Company KSC*, ASBCA No. 57415, December 09, 2014.

The government does not object to appellant's request. Accordingly, this appeal is dismissed from the Board's docket without prejudice.

Dated: 21 January 2015


MARK N. STEMPLER
Administrative Judge
Acting 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. 59530, Appeal of Al-Wafa Al-Dayim Company, rendered in conformance with the Board's Charter.

Dated:

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