



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: June 18, 2010

CBCA 1944

PATRICK (PENGCHENG) FU,

Appellant,

v.

DEPARTMENT OF ENERGY,

Respondent.

Eric A. Seitz, Honolulu, HI, counsel for Appellant.

Kimberly J. Graber, Office of Regional Counsel, Department of Energy, Golden, CO,
counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

The Department of Energy contracted with Dr. Patrick (Pengcheng) Fu to serve as an expert in the Biomass Integrated Biorefinery Merit Review process. The agency terminated the contract for its convenience. Dr. Fu claimed entitlement to \$9187.20 in costs of services he provided and expenses he incurred under the contract prior to the termination. After the contracting officer failed to issue a decision on this claim, Dr. Fu appealed from her deemed denial of the claim.

On June 17, 2010, the parties moved the Board to dismiss the underlying appeal with prejudice, stating that they have settled the dispute.

Accordingly, the appeal is **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge