



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED: January 29, 2010

CBCA 1784

HARMONY INDUSTRIES,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Leonard G. Birnbaum of Birnbaum & Umeda, LLP, Summit, NJ, counsel for Appellant.

Talbot J. Nicholas II, Office of Procurement Law, United States Coast Guard, Department of Homeland Security, Washington, DC, counsel for Respondent.

GILMORE, Board Judge.

ORDER

On November 2, 2009, appellant filed an appeal from a final decision of respondent's contracting officer denying appellant's claim for an equitable adjustment in the amount of \$254,944. On January 11, 2010, appellant moved for dismissal of its appeal because it had not certified the claim as required by the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (2006) (CDA). Respondent advised that it does not object to the motion.

Accordingly, the appeal is **DISMISSED**.

BERYL S. GILMORE
Board Judge