



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: January 24, 2008

CBCA 937

METRiX TECHNOLOGIES, INC.,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Katherine S. Nucci of Thompson Coburn, Washington, DC, counsel for Appellant.

Michael I. Goulding, Office of the General Counsel, Department of Health and Human Services, Washington, DC, counsel for Respondent.

VERGILIO, Board Judge.

ORDER

On October 12, 2007, pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended, METRiX Technologies, Inc. (contractor) filed a notice of appeal based upon the deemed denial by the contracting officer of the contractor's certified claim for \$110,092.82. The contractor disputes the award fee determinations for three evaluation years under its contract, 230-03-0018, with the Health Resources and Services Administration of the Department of Health and Human Services. The parties agreed to stay proceedings pending the issuance of a decision by the contracting officer. On January 15, 2008, the contracting officer issued a decision awarding some of the fees sought. On January 22, 2008, the contractor submitted a request for a dismissal with prejudice.

Accordingly, the Board **DISMISSES WITH PREJUDICE** this appeal.

JOSEPH A. VERGILIO
Board Judge