



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED: December 18, 2008

CBCA 1400

ELECTRONIC DATA SYSTEMS, LLC,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Daniel R. Forman and Puja Satiani, Crowell & Moring LLP, Washington, DC, counsel for Appellant.

Nathan C. Guerrero, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

**SHERIDAN**, Board Judge.

ORDER

On November 28, 2008, the respondent filed with the Board a motion to dismiss, representing that the Board did not have jurisdiction over this appeal because Electronic Data Systems, LLC (EDS) “[had] not submitted a certified claim based upon a sum certain [and] any purported final decision by the contracting officer is of no legal effect.”

In a conference call conducted on December 4, 2008, among the undersigned; Daniel R. Forman, Esq., appellant’s counsel; and Nathan C. Guerrero, Esq., respondent’s counsel, the parties jointly requested that this appeal be dismissed without prejudice.

As reason for the joint request respondent acknowledged that at the time of appeal a

certified claim had not been filed with the contracting officer, however, it had received some correspondence from the contracting officer that contained language that led the appellant to believe that it needed to file an appeal to protect its rights to appeal. The parties agree that this appeal is premature because it does not arise out of a claim.

In the December 4 conference call, the parties represented that a proper certified claim has now been presented to the contracting officer, that they are discussing the claim, and that the contracting officer will issue a final decision if they are unable to resolve the claim.

Accordingly, this appeal is **DISMISSED**.

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PATRICIA J. SHERIDAN  
Board Judge