



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED: December 14, 2007

CBCA 873

HENSLEY R. LEE CONTRACTING, INC.,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

J. Marshall Gilmore, Winter Park, FL, counsel for Appellant.

John A. Thompson, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, counsel for Respondent.

KULLBERG, Board Judge.

ORDER

On January 25, 2007, appellant, Hensley R. Lee Contracting, Inc. (HRL), submitted a claim under contract number HSFE04-04-P-4137 to the contracting officer in the amount of \$1,245,400. The contracting officer denied the claim, and HRL filed this appeal from that decision.

Subsequently, the parties realized that HRL's claim was not certified. They concluded that the contracting officer's decision was a nullity and that the Board did not have jurisdiction to consider this appeal, and they jointly moved to dismiss this appeal without prejudice. The parties now concur that a dismissal without prejudice is inappropriate since

this appeal cannot be reinstated and that this appeal should be dismissed. Board's Conference Memorandum (Dec. 13, 2007).

This appeal is **DISMISSED**.

H. CHUCK KULLBERG
Board Judge