



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: February 2, 2010

CBCA 1647

WASHINGTON GAS ENERGY SERVICES, INC.,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Telemac N. Chryssikos of Washington Gas Energy Services, Inc., Washington, DC, counsel for Appellant.

Christopher M. Johnson, Office of General Counsel, Department of Health and Human Services, Washington, DC, counsel for Respondent.

SOMERS, Board Judge.

ORDER

On July 10, 2009, Washington Gas Energy Services, Inc. (WGES) appealed the final decision of a Department of Health and Human Services contracting officer denying WGES' claim for damages for breach of contract to purchase gas by the Food and Drug Administration under a purchase agreement. On January 19, 2010, WGES filed a motion to withdraw the appeal. Appellant filed a letter on January 27, 2010, clarifying that the withdrawal would be "with prejudice." Counsel for respondent has no objection.

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

JERI KAYLENE SOMERS
Board Judge