



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITHOUT PREJUDICE: October 28, 2011

CBCA 2541

SHOW LOW CONSTRUCTION, INC.,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Joseph E. McGarry of Lewis and Roca LLP, Phoenix, AZ, counsel for Appellant.

Peter Fondry, Office of the Solicitor, Department of the Interior, Albuquerque, NM, counsel for Respondent.

STERN, Board Judge.

ORDER

On August 31, 2011, appellant filed this appeal under the Contract Disputes Act, 41 U.S.C.A. § 7103(f)(5) (West 2011), from the failure of the contracting officer (CO) to issue a final decision.

On September 12, 2011, the Board directed the CO to issue a final decision within sixty days or show cause to the Board why such a decision should not be issued. Such a decision has not been issued.

Appellant moves to dismiss the appeal without prejudice on the basis that it has commenced settlement negotiations with the Department of the Interior and no longer desires that a final decision be issued.

In accordance with appellant's request, the appeal is hereby **DISMISSED WITHOUT PREJUDICE**.

JAMES L. STERN
Board Judge