



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITHOUT PREJUDICE: July 22, 2025

CBCA 8445

HERMAN CONSTRUCTION GROUP, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Matt Drake of Bristol Bay Construction Holdings LLC, Knoxville, TN; and Jessica Nejberger of Bristol Bay Construction Holdings LLC, Jacksonville, FL, counsel for Appellant.

David G. Fagan, Office of General Counsel, Department of Veterans Affairs, Bend, OR, counsel for Respondent.

GOODMAN, Board Judge.

ORDER

On July 21, 2025, the parties filed a joint motion to dismiss without prejudice the appeal docketed as CBCA 8445, which had previously been consolidated with appeals docketed as CBCA 8443 and 8444. In support of the motion, the parties stated:

Since the contracting officer has not yet rendered a final decision on [appellant]'s third REA, corresponding to CBCA No. 8445, the parties recognize there is not currently Contract Disputes Act jurisdiction over that matter. The parties therefore respectfully request, pursuant to Civilian Board

of Contract Appeals Rule 12(b)(2), that the Board dismiss without prejudice CBCA No. 8445 pending the COFD on [appellant]'s claim submitted July 18, 2025. If the contracting officer denies the July 18, 2025 claim, [appellant] intends to refile the appeal with this Board.

The parties' motion is granted, and the appeal is **DISMISSED WITHOUT PREJUDICE**.

Allan H. Goodman
ALLAN H. GOODMAN
Board Judge