



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED WITH PREJUDICE: August 21, 2007

CBCA 796

MVM, INC.,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Tenley A. Carp of Cohen Mohr LLP, Washington, DC, counsel for Appellant.

Richard J. Sprunk, Office of the Principal Legal Advisor, Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC, counsel for Respondent.

**VERGILIO**, Board Judge.

ORDER

On June 21, 2007, this Board received a notice of appeal from MVM, Inc. (contractor) concerning its contract, GS-03P-02-CID-0012, with the Department of Homeland Security (Government). In a certified claim dated March 27, 2007, the contractor requested payment of \$1,061,767.24, for outstanding payments for work performed from 2004 through 2006, an amount which includes interest and penalties. The Government paid the contractor \$546,305.30. The contractor states that it has received neither a written nor verbal response to its claim. Treating the lack of a contracting officer decision as a deemed denial, the contractor now seeks to recover \$490,532.52, plus interest pursuant to statute, 41 U.S.C. § 611 (2000).

The Board has jurisdiction over this timely-filed appeal. 41 U.S.C.A. §§ 601-613 (2006). The parties engaged in discussions regarding the particulars of the invoices and payment. In a submission the Board received on August 17, 2007, the contractor specifies

that it has resolved its dispute with the Government. The Board understands the request to withdraw the appeal to be a request for dismissal with prejudice.

The Board **DISMISSES WITH PREJUDICE** this appeal.

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JOSEPH A. VERGILIO  
Board Judge