



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED: March 5, 2009

CBCA 1448

PIXL, INC.,

Appellant,

v.

DEPARTMENT OF THE TREASURY,

Respondent.

Ajay Sagar, Vice President of PIXL, Inc., Fairfax, VA, appearing for Appellant.

Lori R. Larson and John T. Kirsch, Office of Chief Counsel, Internal Revenue Service, Department of the Treasury, Washington, DC, counsel for Respondent.

BORWICK, Board Judge.

ORDER

On December 15, 2008, appellant filed an appeal in the amount of \$297,282.36, alleging that appellant had not been paid on certain invoices. On February 17, 2009, respondent submitted a motion to dismiss the appeal for lack of jurisdiction, correctly noting that appellant had not filed a certified claim with the contracting officer and that if the e-mail correspondence between the parties resulting in the appeal was to be considered a claim, that correspondence was not certified. Of course, submission of a written certified claim to the contracting officer where the amount of the claim is greater than \$100,000 is a jurisdictional prerequisite to an appeal at this Board. 41 U.S.C. § 605(a), (c)(1) (2006); *Newport News Shipbuilding & Dry Dock Co. v. Garrett*, 6 F.3d 1547, 1552-53 (Fed. Cir. 1993).

On February 19, 2009, the Board held a conference on this matter during which appellant agreed to submit a written certified claim to the contracting officer and to pursue the legal remedies stated in the resulting contracting officer's decision on the claim. Appellant also agreed to respond to the motion to dismiss by withdrawing this appeal.

On March 4, 2009, appellant, conceding the merits of respondent's motion, moved to withdraw its appeal. Respondent does not object. Pursuant to the motion of appellant and Rule 12(c), this appeal is **DISMISSED**.

ANTHONY S. BORWICK
Board Judge