



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED WITHOUT PREJUDICE: January 17, 2017

CBCA 5594

OLYMPUS AMERICA INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Rebecca J. Price of Norris, McLaughlin & Marcus, P.A., Allentown, PA, counsel for Appellant.

Neil S. Deol, Office of General Counsel, Department of Veterans Affairs, Decatur, GA, counsel for Respondent.

**CHADWICK**, Board Judge.

ORDER

Olympus America Inc. submitted to the Department of Veterans Affairs contracting officer a letter styled as a “certified claim.” The letter sought an outstanding contract balance of \$125,075.37, but was not certified. Olympus America later appealed from the ostensible deemed denial of the claim. However, an uncertified demand for more than \$100,000 “is not a claim.” 48 CFR 2.101 (2016). Absent a decision on a claim, we lack jurisdiction. 41 U.S.C. § 7104(a) (2012); *Stobil Enterprise v. Department of Veterans Affairs*, CBCA 5246, 16-1 BCA ¶ 36,478, at 177,740, *motion for reconsideration denied* (Nov. 10, 2016). When ordered to show cause why this appeal should not be dismissed for lack of jurisdiction, Olympus America moved to “withdraw” the appeal without prejudice.

Accordingly, the appeal is **DISMISSED WITHOUT PREJUDICE**.

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KYLE CHADWICK  
Board Judge