



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITHOUT PREJUDICE: June 20, 2019

CBCA 6484

BES DESIGN/BUILD, LLC,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

David A. Horton, Daphne, AL, counsel for Appellant.

Neil S. Deol, Office of General Counsel, Department of Veterans Affairs, Decatur, GA; and Donald Mobly, Office of General Counsel, Department of Veterans Affairs, Denver, CO, counsel for Respondent.

RUSSELL, Board Judge.

ORDER

On May 21, 2019, the Board ordered the parties to brief whether the Board had jurisdiction over this appeal. Both parties timely responded, with appellant moving for dismissal of the appeal without prejudice and the agency, in its separate brief, urging the same.

Under Board Rule 12(b)(2), the Board may dismiss an appeal with or without prejudice on a joint motion from the parties. Although the parties filed separately in response

to the Board's order, they seek the same relief. Thus, the Board will treat the parties' filings as a joint request and, pursuant to Board Rule 12(b)(2), **DISMISS WITHOUT PREJUDICE** this appeal.

Beverly M. Russell
BEVERLY M. RUSSELL
Board Judge