

MONTGOMERY ROSS FISHER, INC. &
H. A. LEWIS, INC., A JOINT VENTURE

CONTRACT NO. V691C-1248H

VABCA Nos. 3756R-3761R

VA MEDICAL CENTER
LOS ANGELES, CALIFORNIA

Jeffrey D. Pearlman, Maguire & Orbach, Law Corporation, Los Angeles California,
for the Appellant.

James Petersen, Esq., Trial Attorney; *Charlma Jones, Esq.*, Deputy Assistant General
Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D. C.,
for the Department of Veterans Affairs.

ORDER OF DISMISSAL

1. On October 10, 1996, the Board ordered Appellant to show cause why it should not dismiss its reconsideration of these appeals as untimely. Appellant has responded that it is not requesting reconsideration of these appeals. Since Appellant now represents that it does not seek reconsideration of these appeals on which the Board entered judgments on July 27, 1993 and reconsideration would be the only basis for the Board's jurisdiction over these appeals, APPELLANT'S RESPONSE ORDER TO SHOW CAUSE is effectively a withdrawal of its MOTION FOR RECONSIDERATION. Consequently, the appeals in VABCA Nos. 3756R-3761R are hereby **DISMISSED WITH PREJUDICE**.

2. Appellant has indicated that it has submitted claims to the Contracting Officer pertaining to FCO Nos. 5H and 5J for final decision. Since the appeals in VABCA Nos. 3756-3761 also pertained to claims relating to FCO Nos. 5H and 5J, it was apparently Appellant's belief that those appeals could be reinstated to the docket as the vehicle to resolve any dispute relating to FCO Nos. 5H and 5J. If Appellant wishes to appeal the final decision on its current claims relating to FCO 5H and 5J, it may do so by forwarding a notice of appeal to the Board. Assuming the appropriate criteria are met, the Board will docket such appeal(s) as new appeals. Since final judgment has been entered on VABCA Nos. 3756-3761 there is no basis to restore those appeals to the docket.

IT IS SO ORDERED

DATE: **December 20, 1996**

RICHARD W. KREMPASKY
Administrative Judge