

CYBER DIGITAL, INC.

CONTRACT NO. V549P-3198

VABCA-4498 & 4558

VA OUT PATIENT CLINIC
FORTWORTH, TEXAS

Gerson B. Kramer, Esq., Chevy Chase, Maryland, for the Appellant.

Paul A. Embroski, Esq., Trial Attorney, and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

**ORDER OF DISMISSAL
(WITHOUT PREJUDICE)**

1. By Order, dated January 22, 1996, the Board suspended proceedings in this matter until February 2, 1996. On January 23, 1996, at the request of the parties, the Board conducted a telephonic Prehearing Conference concerning future proceedings in these appeals. In accordance with agreements reached at the Prehearing Conference, on January 24, 1996, the Board received the parties' Joint M MOTION FOR DISMISSAL WITHOUT PREJUDICE in which the parties request dismissal of these appeals pursuant to Rule 30.

2. Based on the representations made in the Prehearing Conference and the parties' M MOTION, the Board has determined that it will be unable to proceed with disposition of these appeals for a substantial period of time. Accordingly, as provided in Rule 30, the MOTION is GRANTED and these appeals are DISMISSED without prejudice to the subsequent restoration of these appeals to the Board's Docket. Unless either party or the Board acts within three years from the date of this ORDER to reinstate these appeals, these dismissals shall be deemed to be with prejudice without further notice from the Board.

IT IS SO ORDERED

DATE: **January** 24, 1996

RICHARD W. KREMPASKY
Administrative Judge