

CLEAN SERVE INTERNATIONAL

CONTRACT NO. V757P-0248

VABCA-5591 and
6452-6456

VA OUTPATIENT CLINIC
COLUMBUS, OHIO

Wallace J. Johnson, Clean Serve International, Columbus, Ohio, for the Appellant.

Cameron V. Gore, Esq., Trial Attorney; *Philip S. Kauffman, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER DISMISSING APPEALS WITHOUT PREJUDICE

1. The Board issued an ORDER dated March 20, 2001, in which we asked that the Appellant advise whether it would be able to participate in the evidentiary hearing now set to begin on *Tuesday, May 1, 2001*, in Columbus, Ohio. The recent withdrawal by its Counsel precipitated that ORDER. The Appellant has failed to respond to the Board's request within the time stated.
2. The parties have concluded discovery and all pre-hearing matters, including an unsuccessful attempt at ADR. It now appears that any further actions await the Appellant's securing new Counsel and whatever preparations its legal representative will have to make in order to effectively represent its client. In such circumstances, a Rule 30 dismissal, with no loss of position on the Board's calendar upon reinstatement, is appropriate.
3. Accordingly, the May 1, 2001 hearing is hereby canceled and the appeals of Clean Serve International, VABCA-5591, 6452-6456, are **DISMISSED WITHOUT PREJUDICE**. Either party may move for reinstatement, provided that the Board is furnished a proposed schedule for bringing the appeals to a hearing within 90 days from the date of reinstatement. Unless either party acts to reinstate these appeals within three years of the date of this Order, this dismissal shall be deemed to be *with prejudice*.

IT IS SO ORDERED

DATE: **March 27, 2001**

James K. Robinson
Administrative Judge