

NICON, INC.

CONTRACT NO. V673C-410

VABCA-5949E

VA MEDICAL CENTER
TAMPA, FLORIDA

James S. Ganther, Esq., Ganther & Fee, P.A., Tampa, Florida, for the Appellant.

Patrick J. LaMoure, Esq., Trial Attorney; *Charlma J. Quarles, 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. The Board was notified by the Government in a memorandum dated February 6, 2001, that the parties had settled the issues presented to the Board in the captioned *Equal Access to Justice Act* (EAJA) application. The Government stated that it would be executing payment to Appellant in the amount requested in Appellant's EAJA application.
2. Accordingly, the EAJA application of Nikon, Inc., VABCA-5949E, is hereby dismissed with prejudice, subject to reinstatement if the settlement is not effectuated.

IT IS SO ORDERED

DATE: **February 7, 2001**

MORRIS PULLARA, JR.
Administrative Judge