



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED WITHOUT PREJUDICE: December 16, 2010

CBCA 2195, 2196

THE WESTWOOD GROUP, INCORPORATED,

Appellant,

v.

DEPARTMENT OF ENERGY,

Respondent.

Joseph J. Petrillo of Petrillo & Powell, P.L.L.C., Washington, DC, counsel for Appellant.

David R. Koepfel, Mason C. Alinger, and Joseph A. Lenhard, Office of General Counsel, Department of Energy, Washington, DC, counsel for Respondent.

**SOMERS**, Board Judge.

ORDER

On October 21, 2010, The Westwood Group, Incorporated (Westwood) appealed the final decision of a Department of Energy (DOE) contracting officer regarding questioned costs resulting from overpayment to Westwood under two order numbers under contract number GS-10F-0001K.

On December 15, 2010, respondent filed a motion to dismiss, stating that the contracting officer rescinded the final decision to address errors identified subsequent to the issuance of the decision. Counsel for appellant supports DOE's motion to dismiss.

Accordingly, the appeals are **DISMISSED WITHOUT PREJUDICE**.

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JERI KAYLENE SOMERS  
Board Judge