



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: March 20, 2007

CBCA 344

WRANGLER ENTERPRISES, INC.,

Appellant,

v.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,

Respondent.

Phillip J. Binotto, Jr. and Marcia L. DePaula of Eckert Seamans Cherin & Mellott, LLC, Canonsburg, PA, counsel for Appellant.

Brenda D. Joseph-Chambers, Office of General Counsel, Department of Housing and Urban Development, Washington, DC, counsel for Respondent.

KULLBERG, Board Judge.

ORDER

Wrangler Enterprises, Inc. (WEI) filed this appeal with the Department of Housing and Urban Development (HUD) Board of Contract Appeals against the Washington County (Pennsylvania) Housing Authority (WCHA).¹ The Government moved to dismiss

¹ This appeal was docketed at that board of contract appeals as HUD BCA 06-K-101-C2. On January 6, 2007, the HUD board was terminated and its judges and cases were transferred to the newly-established Civilian Board of Contract Appeals. Pub. L. No. 109-

this appeal for lack of jurisdiction under the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613 (2000), citing the fact that appellant's claim arose out of a contract with the WCHA and not HUD. WEI argued, initially, that it had standing to bring this appeal under the CDA because HUD had funded the contract between WEI and the WCHA.

During a conference call on March 1, 2007, appellant represented that this appeal had been brought because of uncertainty as to the proper forum for bringing its claim against the WCHA and would be willing to stipulate that this Board has no jurisdiction in this appeal. On March 13, 2007, the parties jointly requested that this appeal be dismissed with prejudice.

This appeal is **DISMISSED WITH PREJUDICE**.

H. CHUCK KULLBERG
Board Judge