

ALL AMERICAN MEATS, INC.,)	AGBCA No. 2001-168-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Shawn D. Buchanan)	
President)	
All American Meats, Inc.)	
2505 North 24 th Street)	
Omaha, Nebraska 68110)	
)	
Representing the Government:)	
)	
Michael Gurwitz)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
Room 4311 South Building)	
1400 Independence Avenue, S.W.)	
Washington, D.C. 20250)	

DECISION OF THE BOARD OF CONTRACT APPEALS

December 18, 2001

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal arose out of Contract No. 12-02-1-3277, awarded August 8, 2001, to All American Meats, Inc. (Appellant), of Omaha, Nebraska, by the U. S. Department of Agriculture, Agricultural Marketing Service (AMS), for frozen reprocessing beef. By a Contracting Officer's (CO's) decision of August 17, 2001, the contract was terminated for the convenience of the Government. Appellant's timely filed appeal was received at the Board August 30, 2001. The appeal was docketed and Appellant was directed to file a Complaint no later than 30 days from receipt of the Board's September 10, 2001 docketing letter. Appellant received the docketing letter September 13, 2001, and failed to file a Complaint within 30 days thereafter. During this period the Board was not receiving regular mail deliveries as a result of the situation regarding anthrax in the U.S. mail at post offices in Washington, D.C. The Board therefore contacted Appellant to inquire whether a Complaint was in the mail. The Board was informed that Appellant wished to withdraw its appeal. On November 27, 2001, Appellant faxed a letter to the Board stating that it was officially

withdrawing its appeal.

DECISION

The appeal is dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
December 18, 2001