

BILL J. COPELAND,)	AGBCA Nos. 98-117-1
)	98-118-1
Appellant)	98-119-1
)	98-120-1
Representing the Appellant:)	98-121-1
)	98-122-1
Bill J. Copeland, <u>pro se</u>)	
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Beaumont, California 92223)	
)	
Representing the Government:)	
)	
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**RULING ON APPELLANT'S REQUEST TO EXTEND RULE 30 DISMISSAL
FOR AN ADDITIONAL 3-YEAR PERIOD**

January 7, 1998

OPINION BY ADMINISTRATIVE JUDGE EDWARD HOURY

Appeals AGBCA Nos. 93-123-1, 93-124-1, 94-177-1, 94-178-1, 95-120-1 and 95-121-1 were dismissed by an unpublished Order of Dismissal dated January 11, 1995, pursuant to Board Rule 30, 7 CFR § 24.21. Rule 30 allows for a dismissal without prejudice for a 3-year period if it appears that there will be an inordinate delay in processing the appeals. In this instance a significant portion of the appeal issues involved matters within the exclusive jurisdiction of the Department of Labor pertaining to wage payments due Appellant's employees. The Board granted the parties' request for a Rule 30 dismissal.

The appeals involved the terminations for default and a multitude of claims under U. S. Forest Service Contract Nos. 50-9JA9-1-1L026 and 50-9JA9-1-1L039 for the construction of the Serrano Comfort Station and the Santa Ana River Trail in the San Bernardino National Forest in California.

Appellant has requested the Board to extend the Order of Dismissal for an additional 3-year period. The Government does not object.

The Board has no specific authority to extend an Order of Dismissal beyond the 3 years specified in Rule 30. However, nothing precludes reinstatement of the suspended appeals prior to the expiration of the 3-year period. After reinstatement, the Board then has authority under Rule 30 to dismiss the appeals for an additional 3-year period. Accordingly, the Board hereby treats Appellant's request as a request for reinstatement and dismissal under Rule 30. The Board hereby grants such request.¹

RULING

The appeals are reinstated and dismissed without prejudice pursuant to Rule 30 for a 3-year period ending 3 years from the date of this Ruling.

EDWARD HOURY
Administrative Judge

Concurring:

ROBERT M. M. SETO
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

**Issued at Washington, D.C.,
January 7, 1998**

¹ For purposes of record keeping and the Board's computerized docket tracking system, it is necessary to assign new docket numbers AGBCA Nos. 98-117-1 through 98-122-1 to the appeals formerly docketed as AGBCA Nos. 93-123-1, 93-124-1, 94-177-1, 94-178-1, 95-120-1, and 95-121-1, in sequence.