

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

APPEALS OF:

SCHOOL FOR CONTEMPORARY EDUCATION)	CAB No. D-913
THE IVYMOUNT SCHOOL, INC.)	CAB No. D-916
ST. JOHN'S CHILD DEVELOPMENT CENTER)	CAB No. D-917
THE LAB SCHOOL OF WASHINGTON)	CAB No. D-918
ACCOTINK ACADEMY, INC.)	CAB No. D-919
FOR LOVE OF CHILDREN)	CAB No. D-920
ST. COLETTA SCHOOL)	CAB No. D-921
)	(Consolidated)
Under Contract Nos. C10045, C10028,)	
C10034, C10029, C10042, C10039,)	
C10038)	

ORDER

Notice of Appeal in CAB No. D-917 was filed on May 22, 1992, and the complaint was filed on June 26, 1992. The District filed its answer on July 31, 1992.^{1/} St. John's thereafter filed a line of dismissal on December 23, 1992. By Order dated December 29, 1992, the Board dismissed CAB No. D-917, without prejudice.

Subsequently, on December 31, 1992, the District filed its response to St. John's line of dismissal stating that it has no objection to dismissal, but requests that the dismissal be with prejudice.

Pursuant to Board Rule 121.2, a dismissal initiated by an appellant after an answer has been filed, as here, shall be approved by the Board, ". . . upon terms and conditions as it deems proper." 36 DCR 2697. The Board further notes that Appellant is not entitled as a matter of right to a voluntary

^{1/}The above-captioned cases were consolidated by the Board by Order dated August 13, 1992.

dismissal or dismissal without prejudice because the answer has been filed, and because there is no joint stipulation. Because we now have a request from a defendant, who has answered the complaint, that the appeal be dismissed with prejudice, the Board is persuaded that the dismissal should be with prejudice. Therefore, the Board's Order of December 29, 1992 is hereby amended so that dismissal is with prejudice.

So ORDERED.

DATE: January 5, 1993


ZOE BUSH
Chief Administrative Judge

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