

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

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**FILE:** B-215067**DATE:** August 14, 1984**MATTER OF:** Southeastern Training Corporation**DIGEST:**

A court's dismissal of a complaint following a trial on the merits constitutes a final adjudication of the issues raised and precludes further action by GAO on the same issues.

Southeastern Training Corporation protests the award by the Department of Labor of a contract to Management and Training Corporation under request for proposals No. 84-RIV-JC-0003. The contract is for the operation of the Kittrell Job Corps Center in Kittrell, North Carolina.

The protester complains of a number of improprieties alleged to have occurred in the course of this procurement. The same allegations also formed the basis of a complaint Southeastern filed, after it filed here, in the United States District Court for the District of Columbia. The complaint sought to enjoin performance of the Job Corps contract and to have the contract set aside and awarded to Southeastern. Following a hearing on the request for injunctive relief, which the court consolidated with a trial on the merits under Federal Rule of Civil Procedure (Fed. R. Civ. P.) 65(a)(2), the court dismissed the complaint. Southeastern Training Corporation v. Donovan, No. 84-1686 (D.D.C. July 9, 1984). The court added in a footnote that this did not necessarily preclude Southeastern from pursuing its rights before this Office. At no time, however, did the court express an interest in obtaining our views concerning the protester's allegations.

A court's dismissal of a complaint after a trial on the merits constitutes a final adjudication of the issues raised. See Fed. R. Civ. P. 41(b). The disposition is thus with prejudice to the plaintiff's rights to attempt to

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have the issues relitigated. Although the court may be suggesting that Southeastern could nevertheless obtain a second hearing here, the court apparently is not expecting our decision, and our policy is not to consider matters that have been decided by a court of competent jurisdiction. 4 C.F.R. § 21.10 (1984); See generally, Decision Planning Corporation, B-210423.2, March 9, 1984, 84-1 CPD ¶ 280. We therefore dismiss the protest.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

*JE*