

RAIN AND HAIL INSURANCE)	AGBCA No. 2002-150-F
SERVICE, INC.)	
(Robert W. Etheridge),)	
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Frank W. Pechacek, Jr., Esquire)	
Bruce B. Green, Esquire)	
Willson & Pechacek, P.L.C.)	
P.O. Box 2029)	
Council Bluffs, Iowa 51502)	
)	
Representing the Government:)	
)	
Kimberley E. Arrigo, Esquire)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
Room 4344 South Building)	
1400 Independence Avenue, S. W.)	
Washington, D.C. 20250)	

DECISION OF THE BOARD OF CONTRACT APPEALS

April 29, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

The Board issued a decision in Rain & Hail Insurance Service, Inc. (Robert W. Etheridge), AGBCA No. 1999-194-F, 02-2 BCA & 31,871 on May 2, 2002, finding for Rain and Hail Insurance Service, Inc. (Appellant), on the issue of entitlement and remanding to the parties for a determination of the amount of quantum. In the event the parties were unable to reach an agreement on quantum, Appellant was to request and the Federal Crop Insurance Corporation (Respondent or FCIC) was to issue a final administrative determination appealable to the Board on that issue only.

On August 30, 2002, Appellant filed Appellant-s Motion to Set Hearing on the issue of quantum in AGBCA No. 1999-194-F. The Board docketed the matter as AGBCA No. 2002-150-F. Thereafter,

Appellant filed Appellant's Withdrawal of Motion to Set Hearing. The withdrawal recited that the matter had been resolved between the parties and was moot. The Board has now received Appellant's Motion for Dismissal requesting dismissal with prejudice with each party bearing its own costs and attorney fees.

DECISION

The matter having been settled, the Board dismisses it with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
April 29, 2003