

<b>AMERICAN GROWERS INSURANCE COMPANY,</b>	)	<b>AGBCA No. 2002-125-F</b>
<b>(Hodge Compliance)</b>	)	
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
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	)	
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**DECISION OF THE BOARD OF CONTRACT APPEALS**

**November 21, 2002**

**Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.**

**Opinion for the Board by Administrative Judge POLLACK.**

This appeal, dated April 10, 2002, arises out of a 1998 Standard Reinsurance Agreement (SRA) between the Federal Crop Insurance Corporation (FCIC) and American Growers Insurance Company (American Growers or Appellant). The appeal was taken from a final administrative determination of the Deputy Administrator, Office of Risk Compliance, Risk Management Agency, U. S. Department of Agriculture concerning Compliance Case No. DA-IF00-960, wherein he determined that there was an indemnity overpayment of \$615,771 and premium overstatement of \$95,339. At issue in this appeal was the determination of the compliance officials that the insurance company failed to follow approved policies and procedures of FCIC by not verifying that certain varieties of potatoes planted by the insured were adapted to the area.

Pleadings and an Appeal File were filed in a timely manner. The Board then sent a letter asking for the parties to either elect a hearing or proceed on the record. On October 11, 2002, the Board was notified that the parties had reached a settlement agreement in this matter in conjunction with the settlement of AGBCA Nos. 99-136-F and 99-137-F. In a separate Joint Motion to Dismiss, provided under cover letter of October 11, 2002, the parties asked that this appeal be dismissed with prejudice.

The Board has jurisdiction over this timely-filed appeal under 7 CFR ' 24.4(b) and ' 400.169(d).

**DECISION**

In accordance with the motion of the parties, the appeal is dismissed with prejudice.

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**HOWARD A. POLLACK**

Administrative Judge

**Concurring:**

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**JOSEPH A. VERGILIO**

Administrative Judge

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**ANNE W. WESTBROOK**

Administrative Judge

**Issued at Washington, D. C.  
November 21, 2002**