

**RURAL COMMUNITY INSURANCE
SERVICES, (W. J. Mouren Farming Co.)**

AGBCA No. 2004-149-F

Appellant

Representing the Appellant:

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Representing the Government:

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DECISION OF THE BOARD OF CONTRACT APPEALS

April 20, 2004

Before POLLACK, VERGILIO and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal arises out of a Standard Reinsurance Agreement for the 2000 reinsurance year between Rural Community Insurance Corporation (RCIC) and the Federal Crop Insurance Corporation (FCIC). Rural Community Insurance Services (RCIS) is the managing general agent for RCIC. The appeal was received at the Board March 22, 2004. Upon receipt of the appeal, the Recorder of the Board requested a copy of the FCIC determination from which appeal was being taken. Counsel for RCIS furnished a copy of a determination of the Deputy Administrator for Risk Compliance, which appeared to have been dated September 2, 2003. The Board's docketing letter therefore advised the parties that the appeal appeared to be untimely. The parties were requested to provide evidence and argument on the issue of timeliness. No further proceedings were to be scheduled until the jurisdictional question was resolved. FCIC filed a Motion to Dismiss for lack of jurisdiction. The

Board has now received a letter from RCIS's counsel withdrawing the appeal and asking that it be dismissed with prejudice.

DECISION

Pursuant to the request of RCIS, the appeal is hereby dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
April 20, 2004