

AMERICAN GROWERS INSURANCE)	AGBCA No. 1999-197-F
COMPANY)	
(SMI Farms - Compliance),)	
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Frank W. Pechacek, Jr.)	
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)	
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)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

April 9, 2001

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal arises out of a Standard Reinsurance Agreement (SRA) executed between Redland Insurance Company of Council Bluffs, Iowa (Redland), and the Federal Crop Insurance Company (FCIC) for the 1995 crop year. Under an SRA, a company such as Redland sells and administers Multi-Peril Crop Insurance (MPCI) which insurance is reinsured by FCIC. The Risk Management Agency (RMA), an agency of the U.S. Department of Agriculture (USDA) administers and oversees the federal crop insurance programs. The parties generally treat FCIC and RMA as one entity, or as interchangeable entities, and these entities are here referred to as Respondent.

American Growers Insurance Company (American Growers) agreed to assume all liability for the MPCCI business written under all present and past SRAs between FCIC and Redland. Redland is a wholly-owned subsidiary of Acceptance Insurance Companies, Inc., and Redland is the sole shareholder of American Growers. American Growers is here referred to as Appellant.

This timely appeal is from a final agency determination of the Deputy Administrator, Office of Risk Compliance, FCIC, in which he assessed a total of \$23,846 alleged premium overstatements and \$217,868 in alleged indemnity overpayments for SMI Farms and nine other producers. The Board has jurisdiction pursuant to regulations, 7 CFR 24.4(b) and 400.169(d).

After docketing and the filing of pleadings, the Board held a telephonic conference with the parties to set a schedule for further proceedings including a hearing. At that time Appellant requested time to conduct discovery estimated to take 4 to 6 months given the press of other business. Thereafter, the Board was advised that the parties had settled the appeal. The Board has now received a Stipulation for Settlement and Dismissal signed by both parties and Appellant's Motion to Dismiss with Prejudice.

DECISION

The Board dismisses the appeal with prejudice.

ANNE W. WESTBROOK

Administrative Judge

Concurring:

EDWARD HOURY

Administrative Judge

HOWARD A. POLLACK

Administrative Judge

Issued at Washington, D.C.

April 9, 2001