

MARY LU LARSON,)	AGBCA No. 2003-185-ADR
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Appellant)	
)	
Representing the Appellant:)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

November 20, 2003

Opinion for the Board by Administrative Judge VERGILIO.

On September 3, 2003, the Board received a notice of appeal from Mary Lu Larson of Carlton, Washington (contractor), involving the respondent, the U. S. Department of Agriculture, Forest Service. Based upon an interagency engine and tender agreement, as modified, the Government placed an order for the contractor's equipment and services at the Silver Lake Toolbox fire, which the contractor accepted. After performance, the contractor filed a claim to recover \$22,270.50 in addition to the amount paid by the Government. The contracting officer denied the claim which sought an hourly rate greater than in the modified agreement and paid (the contractor alleging duress), payment for mileage, payment for additional crew, and compensation for subsistence.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA). Following a review of the contracting officer's decision, the parties agreed to utilize an alternative dispute resolution (ADR) technique, with the presiding judge to issue a binding, non-appealable, determination of the result of the dispute following a review of the appeal file and supplements and discussions held during a telephone

conference with the pertinent individuals. On November 10, 2003, the telephone conference was held.

The presiding judge determines that the contractor is entitled to no additional compensation based upon the claims and record developed.

DECISION

With this finding of no entitlement, this matter is resolved and removed from the Board's docket.

JOSEPH A. VERGILIO

Administrative Judge

Issued at Washington, D.C.

November 20, 2003