

A & L TIRE CO., INC.,)	AGBCA No. 2002-118-2
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Michael J. McGee,)	
President)	
317 W. Inyokern Road)	
Ridgecrest, California 93555-2592)	
)	
Representing the Government:)	
)	
James E. Andrews, Esquire)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
33 New Montgomery, 17 th Floor)	
San Francisco, California 94105-4511)	

DECISION OF THE BOARD OF CONTRACT APPEALS

April 17, 2002

Before WESTBROOK, Administrative Judge.

Opinion for the Board by Administrative Judge WESTBROOK.

This timely appeal, arising out of Emergency Equipment Rental Agreement No. 56-9A40-0-020 between A & L Tire Co., Inc., of Ridgecrest, California (Appellant), and the U. S. Department of Agriculture, Forest Service, Southern Sierra Province, Clovis, California (FS or Respondent), was received at the Board February 25, 2001. The appeal is from an adverse Contracting Officer's decision. The decision failed to provide any detail as to the nature of the claim, the amount of quantum requested or the reasons for denial. After docketing, the Board received a letter from Appellant stating the amount of the claim as \$3,534.60. His letter also expressed procedural questions. The Board therefore held a telephonic conference on March 20, 2002 to address those matters and to discuss future proceedings. The appeal was submitted under the small claims (Expedited) procedure but Appellant had not yet submitted a Complaint. After discussion, the Board set a schedule for submission of pleadings and an Appeal File. The parties indicated that they had already preliminarily discussed the possibility of settlement. There was some discussion of Board assisted Alternate Disputes Resolution (ADR). Because the record to date was bare of any factual

allegations from either party, the Board tabled further discussion of ADR pending receipt of pleadings. Thereafter on March 25, 2002, the Board received Appellant-s Complaint. Subsequently, on April 2, 2002, Respondent-s counsel informed the Board that the appeal had been settled. The Board has now received a Request for Dismissal signed by both parties. The parties jointly request that the appeal be dismissed with prejudice.

DECISION

The appeal is dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
April 17, 2002