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| NAU COUNTRY INSURANCE COMPANY, |) | AGBCA Nos. 2003-181-F, 2003-182-F |
| (Compliance Case CRCO-5520-2000-3) |) | |
| |) | |
| Appellant |) | |
| |) | |
| Representing the Appellant: |) | |
| |) | |
| Daryl E. Durum, Executive Vice President/ |) | |
| Chief Operating Officer |) | |
| NAU Country Insurance Company |) | |
| 6701 Highway 10 NW |) | |
| Ramsey, Minnesota 55303-4700 |) | |
| |) | |
| Representing the Government: |) | |
| |) | |
| John P. Vos, Esquire |) | |
| Office of the General Counsel |) | |
| U. S. Department of Agriculture |) | |
| 6501 Beacon Drive |) | |
| Mail Stop 1401 |) | |
| Kansas City, Missouri 64133-4675 |) | |

DECISION OF THE BOARD OF CONTRACT APPEALS

December 4, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On August 15, 2003, the Board received a notice of appeal from NAU Country Insurance Company of Ramsey, Minnesota (the insurance company), disputing a decision by the Government, the U. S. Department of Agriculture, Risk Management Agency (RMA). The insurance company had entered into a Standard Reinsurance Agreement (SRA) with the Government. The SRA represents a cooperative financial assistance agreement to deliver multiple peril crop insurance under the authority of the Federal Crop Insurance Act, as amended, 7 U.S.C. §§ 1501 et seq. Under the terms and conditions of the SRA, the insurance company gets paid and reimbursed from the Government.

Underlying these matters is a compliance case involving the insurance policies of two insureds and prevented planting claims for corn crops in the 1999 crop year. For one of the insureds (docketed as AGBCA No. 2003-181-F), the RMA issued a final administrative determination demanding

repayment of \$1,028, because of a premium overstatement, and \$10,020, because of an indemnity overpayment. For the other insured (docketed as AGBCA No. 2003-182-F), the RMA issued a final administrative determination demanding repayment of \$285, because of a premium overstatement, and \$3,185, because of an indemnity overpayment. Seeking to retain the \$14,518 total, the insurance company brings these cases pursuant to regulation, 7 CFR 400.169(b), (d).

On December 3, 2003, the Board received a notice that the parties have settled these disputes. The insurance company requests that each matter be dismissed with prejudice, with each party to bear its own costs incurred.

DECISION

Based upon the request of the parties, these matters are dismissed with prejudice.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D.C.

December 4, 2003