

THRIFT BROTHERS LUMBER CO., INC.,)	AGBCA No. 2000-114-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Gary G. Stevens, Esquire)	
Saltman & Stevens)	
1801 K Street, N.W.)	
Washington, D.C. 20006)	
)	
Representing the Government:)	
)	
Jay D. McWhirter, Esquire)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
1718 Peachtree Road)	
Atlanta, Georgia 30309)	

DECISION OF THE BOARD OF CONTRACT APPEALS

September 10, 2002

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On December 17, 2000, the Board received this appeal filed by Thrift Brothers Lumber Co., Inc., of Westminster, South Carolina (purchaser). The respondent is the U. S. Department of Agriculture, Forest Service (Government). The purchaser on the Hickory Bottoms Timber Sale contract, No. 014422, in the Tallulah Ranger District of the Chattahoochee National Forest, Georgia, seeks to recover \$42,066, said to represent damages (the replacement cost of timber) resulting from the improper suspension of its contract. The contracting officer had denied the claim in its entirety.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. ' ' 601-613, as amended.

On September 6, 2002, the Board received a letter from the Government indicating that the parties have settled the dispute. As further detailed during a telephone conference of the Board and parties on September 9, the parties agree to a stipulated judgment, which entails full and final settlement of this dispute. The Government offers, and the purchaser accepts, \$38,000. No separate amount will

be sought for interest under the CDA or for legal fees under the Equal Access to Justice Act (EAJA). Neither party will appeal this Board's decision which is final.

DECISION

In accordance with the settlement and stipulated judgment, the Board awards the purchaser \$38,000. The agency may pay the amount utilizing the judgment fund, with the agency thereafter reimbursing the fund. 41 U.S.C. ' 612.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

**Issued at Washington, D.C.
September 10, 2002**