| TWIN OAKS CONSTRUCTION & ) METALWORKS, Appellant ) | AGBCA No. 2001-111-3 |
|--|----------------------|
| Appearing for the Appellant:                       |                      |
| Krista K. Thie                                     |                      |
| Daryl L. Hoyt                                      |                      |
| Twin Oaks Construction & Metalworks )              |                      |
| 1549 West Jewett Blvd.                             |                      |
| White Salmon, Washington 98672-8928                |                      |
| Appearing for the Government:                      |                      |
| Michael E. Trow                                    |                      |
| Office of the General Counsel                      |                      |
| U. S. Department of Agriculture                    |                      |
| 1734 Federal Building                              |                      |
| 1220 S.W. Third Avenue                             |                      |
| Portland, Oregon 97204-2825                        |                      |

## **DECISION OF THE BOARD OF CONTRACT APPEALS**

September 27, 2001

Before HOURY and WESTBROOK, Administrative Judges.

## **Opinion for the Board by Administrative Judge WESTBROOK.**

This appeal arises out of Contract No. 43-0467-9-1720 for construction of the Dry Fir Trail, Zigzag Ranger District, Mt. Hood National Forest, Northwest Oregon Contracting Area, Sandy, Oregon, between Twin Oaks Construction & Metalworks of White Salmon, Washington (Appellant), and the Forest Service, U. S. Department of Agriculture (Respondent or FS). The contract was awarded June 25, 2000, in the original contract amount of \$48,973.80. The Contracting Officer (CO) terminated the contract for convenience effective August 1, 2000. No termination settlement was made by the CO. Appellant filed claims in the total amount of \$17,391.69, the deemed denial of which is the subject of this appeal.

The Board has jurisdiction of this appeal under the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended. The appeal was docketed as an accelerated appeal under Rule 12.3. The target date for decision was June 13, 2001.

The parties filed pleadings as well as an Appeal File and Supplement. A hearing was set for April 11, 2001, in Portland, Oregon. When the hearing convened, the parties jointly indicated a desire to undertake Board-assisted settlement negotiations prior to any further proceedings. Neither party objected to the assigned judge assisting in resolution in that matter and then presiding at the hearing in the event they were unsuccessful. The parties were able to reach a negotiated settlement and no further proceedings were necessary. The Board was not informed that all terms of the settlement had been fulfilled until well after the target date for decision. By letter of August 27, 2001, Appellant requested that its appeal be dismissed with prejudice.

## **DECISION**

The parties having settled the appeal and all terms and conditions of the settlement having been fulfilled, the Board hereby dismisses the appeal with prejudice.

ANNE W. WESTBROOK Administrative Judge

**Concurring:** 

**EDWARD HOURY** Administrative Judge

Administrative Judge

Issued at Washington, D.C. September 27, 2001