

<b>FELDMAN LUMBER CO., INC.,</b>	)	<b>AGBCA No. 98-181-1</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
David Feldman, President	)	
Feldman Lumber Co., Inc.	)	
228 Buckeye Road	)	
Lancaster, Kentucky 40444	)	
	)	
<b>Representing the Government:</b>	)	
	)	
Jay McWhirter	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
1718 Peachtree Road, NW, Suite 576	)	
Atlanta, Georgia 30309-2409	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

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 March 5, 1999  
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**OPINION BY ADMINISTRATIVE JUDGE JOSEPH A. VERGILIO**

On June 29, 1998, Feldman Lumber Co., Inc. (Appellant) of Lancaster, Kentucky, filed this appeal with the Board, concerning the Hughes Fork Timber Sale contract, No. 7203, with the U. S. Department of Agriculture, Forest Service (Respondent or Government). The Government terminated the contract, which required work within the Daniel Boone National Forest, Berea Ranger District, Jackson County, Kentucky. Feldman Lumber filed a claim to recover, among other costs, the replacement costs of the timber pursuant to the contract. The Contracting Officer (CO) granted in part and denied in part the claim. Feldman Lumber filed an appeal to recover \$10,607.45 of the amount disallowed by the CO.

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

Although scheduled to participate, Feldman Lumber did not attend a conference held in London, Kentucky, on February 23-24, with the Board and Government personnel to discuss the applicable facts and law, because it had already resolved its dispute with the Government. On March 4, 1999, the Board received from Feldman Lumber a statement that it had settled its dispute. It has accepted a total of \$4,979.01 offered by the Government.

**DECISION**

In light of the settlement, the appeal is dismissed with prejudice.

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**JOSEPH A. VERGILIO**  
Administrative Judge

Concurring:

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**EDWARD HOURY**  
Administrative Judge

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**HOWARD A. POLLACK**  
Administrative Judge

**Issued at Washington, D.C.**  
**March 5, 1999**