



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: November 24, 2008

CBCA 136-FCIC

In the Matter of RAIN AND HAIL L.L.C.
(In re: HARBINDER BAINS)

Bruce B. Green and Frank W. Pechacek, Jr. of Willson & Pechacek, P.L.C., Council Bluffs, IA, counsel for Appellant.

Maria Giatrakis, Office of the General Counsel, Department of Agriculture, San Francisco, CA, counsel for Federal Crop Insurance Corporation.

VERGILIO, Board Judge.

ORDER

On October 10, 2006, Rain and Hail L.L.C. (also identifying Ace Property and Casualty Insurance Company f/k/a Cigna Property and Casualty Insurance Company as an appellant; here the companies are referred to collectively as the insurance company) submitted a notice of appeal involving a final determination by the Deputy Administrator for Compliance at the Department of Agriculture, Risk Management Agency (RMA). The action arises under a Standard Reinsurance Agreement (SRA) between the insurance company and the Federal Crop Insurance Corporation (FCIC). The insurance company provided multiple peril crop insurance coverage; the Government provides reinsurance to the insurance company pursuant to the SRA.

In compliance case WRCO-2670, the RMA determined that for crop year 2000 almonds, the insurance company failed to follow approved standards, policies and procedures in order to be reinsured for indemnity payments to an insured. The RMA concluded that there was an indemnity overpayment of \$76,410 by the insurance company.

This dispute, timely filed before the Department of Agriculture Board of Contract Appeals, now is properly before this Board. 72 Fed. Reg. 31,437-38 (June 7, 2007). The parties have engaged in discussions and resolved the dispute. On November 20, 2008, the

Board received from the insurance company a request for a dismissal with prejudice, noting that each party will bear its own costs and attorney fees.

This case is **DISMISSED WITH PREJUDICE**.

JOSEPH A. VERGILIO
Board Judge