

BARNARD CONSTRUCTION COMPANY, INC.,)	AGBCA No. 2002-135-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

August 29, 2002

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On June 21, 2002, the Board received a notice of appeal filed by Barnard Construction Company, Inc., of Harrisville, West Virginia (contractor), concerning a contract, No. 50-3D47-9-2, with the respondent, the U. S. Department of Agriculture, Natural Resource Conservation Service (Government). The contract called for the construction of the North Fork Hughes River Watershed Dam in Ritchie County, West Virginia. The contract required the placement of roller compacted concrete (RCC). The contractor filed a claim to recover \$147,835, to which it claimed entitlement under the measurement and payment provisions of the contract. The contracting officer denied the claim.

The Board has jurisdiction over this timely filed appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. ' ' 601-613, as amended. The Board held an initial telephone conference with the parties on July 17. The parties informed the Board that the dispute had been resolved, with a settlement agreement yet to be reduced to writing.

On August 27, 2002, the Board received from the contractor a Astipulation of dismissal.® The document specifies that all causes of action and claims have been settled, and that the matter shall be dismissed with prejudice.

DECISION

In accordance with the submission, the Board dismisses with prejudice this appeal.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D.C.

August 29, 2002