

<b>BLAISDELL CONSTRUCTION INC.,</b>	)	<b>AGBCA No. 2004-129-2</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
F. Craig Blaisdell, President	)	
Blaisdell Construction Inc.	)	
P.O. Box 493459	)	
Redding, California 96049	)	
	)	
<b>Representing the Government:</b>	)	
	)	
James L. Rosen, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
33 New Montgomery, 17th Floor	)	
San Francisco, California 94105-4511	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

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March 18, 2004

**Opinion for the Board by Administrative Judge VERGILIO.**

On January 20, 2004, the Board received a notice of appeal from Blaisdell Construction Inc. of Redding, California (contractor), regarding its contract, No. 50-9SCP-02-4K-166, with the respondent, the U. S. Department of Agriculture, Forest Service (Government). Under the Dixie Creek Bridge project contract, the contractor was to remove and replace a 50-foot bridge with a 100-foot bridge in the Beckwourth Ranger District, in the Pluma National Forest in California. The contractor claims that the Government caused an unreasonable delay of two days, when the contractor was ordered to shutdown performance after failing a fire inspection (that is, the contractor had failed to demonstrate that equipment had the requisite spark arrester). The contractor seeks to recover \$8,677.30. The contracting officer denied the claim. This appeal ensued.

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 (CDA). The contractor elected to proceed utilizing the Board's small claims procedure, which results in a decision by one judge. The decision is final and conclusive and shall not be set aside except in cases of fraud; it shall have no value as precedent. 41 U.S.C. § 608; Rule 12.2. Following an initial telephone conference, the Government and contractor

engaged in discussions. On March 17, 2004, the Board received from the Government a statement that the contractor has opted to not pursue the claim. The Board has confirmed that the contractor does not intend to pursue this appeal, and agrees to a dismissal with prejudice.

**DECISION**

Given the determination of the contractor to not pursue this matter, the Board dismisses with prejudice this appeal.

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**JOSEPH A. VERGILIO**

Administrative Judge

**Issued at Washington, D.C.**

**March 18, 2004**