

CURTIS A. MADSON, JR.)	AGBCA No. 2004-104-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Curtis A. Madson, Jr., pro se)	
1442 NW Quincy Avenue)	
Bend, Oregon 97701)	
)	
Representing the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

May 25, 2005

BEFORE POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Contract No. 52-0281-3-25B, Marking and Cruising, St. Joe Ranger District, between Curtis A. Madson, Jr. of Bend, Oregon and the U. S. Department of Agriculture, Forest Service (FS), Idaho Panhandle National Forest, Coeur d'Alene, Idaho. The FS terminated Madson's contract for default and Madson filed a timely appeal. After the appeal was filed, Madson identified that it had a claim for \$771.15. That claim had not, however, been the subject of a final decision by the Contracting Officer (CO).

On February 23, 2004, the Board held a telephone conference with Mr. Madson and Mark Lodine, counsel for the FS. The Board advised Mr. Madson that to pursue the dollar claim, he would have to first present the claim to the CO for decision. The parties were urged to discuss the matters and see if a settlement could be reached, including any potential claim for reprocurement. Thereafter, the Board received a fax from counsel for the FS who appended to it a memorandum that he had received from the CO. The letter indicated that the CO and Mr. Madson were agreeing to have both sides withdraw any further claims. Thereafter, the Board made attempts to contact Mr. Madson and on September 7, 2004, left a message with his son. No return call was received and the Board has

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received no correspondence since from Mr. Madson. On March 31, 2005, the Board telephoned counsel for the FS to see if he had any contact with Mr. Madson. He reported that he would get in touch with FS officials to see if the negotiations were still pending. He later reported to the Board that the Appellant had withdrawn his appeal. Based on that information, and the fact that the Appellant has not pursued the claim, the appeal is dismissed with prejudice.

DECISION

The appeal is dismissed with prejudice.

HOWARD A. POLLACK

Administrative Judge

Concurring:

JOSEPH A. VERGILIO

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D.C.

May 25, 2005