

UNITED STATES SUGAR CORPORATION,)	AGBCA No. 2005-143-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

June 7, 2005

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal, received at the Board April 11, 2005, arises from a final administrative determination of the Deputy Administrator for Commodity Programs, Farm Service Agency (FSA), an agency of the U. S. Department of Agriculture. There is no contract number. The Notice of Appeal alleges an implied-in-fact contract based on the actions of FSA and the United States Sugar Corporation (U.S. Sugar). In its docketing letter of April 15, 2005, the Board asked the parties to address the issue of jurisdiction before further proceedings, including the filing of pleadings, were scheduled. They were directed to provide argument in support of their positions on jurisdiction no later than May 15, 2005.

On April 28, 2005, the parties filed a Joint Motion to Stay Proceedings for a period of 60 days to

allow for settlement discussions. The Board granted the motion. The Board directed the parties to provide a joint status report on or before June 30, 2005.

The Board received Appellant's Motion to Dismiss on May 26, 2005, stating the parties had negotiated a fair and equitable resolution to the matter. The Government has informed the Board it does not oppose the motion.

DECISION

Having been settled, the appeal is hereby dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
June 7, 2005