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| WALCON, INC., |) | AGBCA No. 2002-123-1 |
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| Appellant |) | |
| |) | |
| Representing the Appellant: |) | |
| |) | |
| Michael C. Johnson, Esquire |) | |
| 1707 E. Highland Ave., Suite 190 |) | |
| Phoenix, Arizona 85016-5589 |) | |
| |) | |
| Representing the Government: |) | |
| |) | |
| Owen L. Schmidt, Esquire |) | |
| Office of the General Counsel |) | |
| U. S. Department of Agriculture |) | |
| 1220 S. W. Third Avenue, Room 1734 |) | |
| Portland, Oregon 97204-2825 |) | |

DECISION OF THE BOARD OF CONTRACT APPEALS

May 19, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On April 2, 2002, the Board received a notice of appeal filed by WalCon, Inc., of Scottsdale, Arizona (contractor), concerning a contract, No. 43-05K3-8-0190, with the respondent, the U. S. Department of Agriculture, Forest Service (Government). The contract called for the construction of a building with composting toilets at the Bear Meadow Viewpoint located at the Mount St. Helens National Volcanic Monument in the Gifford Pinchot National Forest in Washington. The contractor had filed a claim to recover \$56,398, said to represent its costs incurred to accommodate various Government changes to the underlying contract. 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 (CDA), 41 U.S.C. §§ 601-613, as amended. Following the submission of the appeal file, complaint, answer, a Government motion to dismiss, or in the alternative motion for summary judgment, and revisions to the complaint, the parties opted to utilize a non-binding alternative dispute resolution (ADR) technique, with the presiding judge providing a neutral evaluation of the issues, after a review of the supplemented record and discussions with the parties during telephone conferences. Following such telephone conferences, the parties resolved this dispute.

On May 9, 2003, the Board received from the contractor a notice of withdrawal of its appeal, and a request that the appeal 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.
May 19, 2003