

WESTERN PROCESSING, INC.,)	AGBCA No. 2002-109-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
William A. Douglas, Esquire)	
Douglas Law Firm, P.C.)	
P. O. Box 795)	
Libby, Montana 59923)	
)	
Representing the Government:)	
)	
Marcus R. Wah, Esquire)	
Office of the General Counsel)	
U.S. Department of Agriculture)	
P. O. Box 7669)	
Missoula, Montana 59807)	

DECISION OF THE BOARD OF CONTRACT APPEALS

May 09, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal arises out of Contract No. 43-03J1-0-0032 for Machine Roadside Brushing on the Three Rivers and Cabinet Ranger Districts in the Kootenai National Forest, Montana. The parties to the contract were Western Processing, Inc. (Appellant), of Sandpoint, Idaho, and the Forest Service, an agency of the U. S. Department of Agriculture (FS). After Appellant stated in a letter to the Contracting Officer (CO) that it did not intend to complete the contract, the CO issued a decision terminating the contract for default. Appellant filed a notice of appeal which was received at the Board January 3, 2002.

The parties filed pleadings and an appeal file. Thereafter on November 26, 2002, when the Board held a telephonic conference with the parties, they informed the Board that settlement negotiations were underway. The Board has now received a Mutual Release and Dismissal signed by both parties agreeing to the dismissal of this appeal with prejudice.

The Board has jurisdiction pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended.

DECISION

The parties having settled all matters arising out of Contract No. 43-03J1-0-0032 and having expressly agreed to the dismissal of this appeal with prejudice, the Board so dismisses AGBCA No. 2002-109-1.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
May 09, 2003