

<b>ALL-STATES QUALITY FOODS L.P.,</b>	)	<b>AGBCA No. 2001-157-1</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
Elliot Jones	)	
President & CEO	)	
All-States Quality Foods L.P.	)	
P.O. Box 365	)	
Charles City, Iowa 50616-0365	)	
	)	
<b>Representing the Government:</b>	)	
	)	
Michael D. Gurwitz	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
1400 Independence Avenue, S.W.	)	
Room 4311, South Building	)	
Washington, D.C. 20250-1400	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

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July 13, 2001

**Before HOURY, POLLACK, and VERGILIO, Administrative Judges.**

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

On June 14, 2001, the Board received this appeal filed by All-States Quality Foods L.P. (contractor) of Charles City, Iowa. The respondent is the U. S. Department of Agriculture, Agricultural Marketing Service (Government). Under contract, No. 12-02-1-4115, with the Government, All-States was to deliver 29 loads of frozen diced chicken. The contracting officer issued a notice of termination for default, based upon the contractor's failure to deliver the final four shipments, and assessed liquidated damages of \$14,000. Maintaining that its failure to deliver the product arose from factors beyond its control, without its fault or negligence, the contractor here disputes the termination for default and assessment of damages.

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. Prior to the Board convening an initial conference in this matter, and prior to the submission of an appeal file or complaint, the parties informed the Board that they have resolved the dispute. The contractor states that it withdraws its appeal of the contracting officer's decision.

**DECISION**

Given the resolution of the dispute, the Board dismisses with prejudice the appeal.

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**JOSEPH A. VERGILIO**

Administrative Judge

We concur:

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**EDWARD HOURY**

Administrative Judge

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**HOWARD A. POLLACK**

Administrative Judge

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

**July 13, 2001**