

|                                     |   |                           |
|-------------------------------------|---|---------------------------|
| <b>C&amp;O REFORESTATION, INC.,</b> | ) | <b>AGBCA No. 98-157-1</b> |
|                                     | ) |                           |
| Appellant                           | ) |                           |
|                                     | ) |                           |
| <b>Representing the Appellant:</b>  | ) |                           |
|                                     | ) |                           |
| Larry C. Hammack                    | ) |                           |
| Stark and Hammack, P.C.             | ) |                           |
| Attorneys at Law                    | ) |                           |
| 201 West Main Street                | ) |                           |
| Medford, Oregon 97501               | ) |                           |
|                                     | ) |                           |
| <b>Representing the Government:</b> | ) |                           |
|                                     | ) |                           |
| Jim Kauble                          | ) |                           |
| Office of the General Counsel       | ) |                           |
| U. S. Department of Agriculture     | ) |                           |
| 1734 Federal Building               | ) |                           |
| 1220 S.W. Third Avenue              | ) |                           |
| Portland, Oregon 97204-2825         | ) |                           |

**DECISION OF THE BOARD OF CONTRACT APPEALS**

July 26, 1999

**OPINION BY ADMINISTRATIVE JUDGE ANNE W. WESTBROOK**

This appeal arises under Contract No. 53-04N7-7-01, between C&O Reforestation, Inc. (C&O), of Medford, Oregon, and the U. S. Department of Agriculture, Forest Service (FS or Government) for work lifting and processing tree seedlings. This contract was referred to as the J. Herbert Stone Nursery contract. Appeal was taken from a December 18, 1997 decision of the Contracting Officer denying two claims by C&O. The claims were for (1) an additional \$.30 per lineal foot of seedlings lifted for a total of \$24,997.50, and (2) an equitable adjustment in the amount of \$11,638.69 for additional labor charges related to an increase in the percentage of culls.

The Board received C&O's notice of appeal on March 20, 1998. After docketing, the Board held a telephonic conference with the parties and a hearing was scheduled for May 19, 1999, in Medford, Oregon. The Board also set a schedule for pre-trial submissions. Prior to the date scheduled for

hearing, the parties notified the Board that the appeal had been settled. On July 7, 1999, the Board received a Stipulated Dismissal signed by both parties. They request that the Board dismiss the appeal with prejudice.

**DECISION**

In accordance with the request of the parties, the appeal is dismissed with prejudice.

---

**ANNE W. WESTBROOK**

Administrative Judge

**Concurring:**

---

**EDWARD HOURY**

Administrative Judge

---

**HOWARD A. POLLACK**

Administrative Judge

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

**July 26, 1999**