

<b>GARY CARNEVALI AND FRANK PAGANELLI,</b>	)	<b>AGBCA No. 98-189-1</b>
	)	
Appellants	)	
	)	
<b>Representing the Appellants:</b>	)	
	)	
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**DECISION OF THE BOARD OF CONTRACT APPEALS**

April 11, 2000

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

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

On August 17, 1998, Gary Carnevali and Frank Paganelli (Appellants) of Yakima, Washington, filed this appeal with the Board, involving the respondent, the U. S. Department of Agriculture, Agricultural Research Service (Government). The individuals, owners of real property located at 3706 Nob Hill Boulevard, Yakima, Washington, claim to be proper successors in interest to a lease of that property. After the Government vacated the premises, the Appellants submitted to the

contracting officer a claim to recover \$356,380, for what they describe as structural repair and restoration work, Government recommended and omitted asbestos surveys, Government recommended and omitted soil sampling, maintenance costs, and lost rental opportunity charges. The contracting officer denied all but the \$300 sought for maintenance costs. This appeal ensued.

The Appellants assert that the Board has jurisdiction over this appeal pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613, as amended.

The parties have submitted a complaint, answer, and the appeal file. They have engaged in discovery. On April 6, 2000, the parties notified the Board that they have resolved the matters in dispute, and that the contractor has accepted and received payment offered by the Government. No separate amount will be sought for interest under the CDA or for legal fees under the Equal Access to Justice Act (EAJA). Given the resolution, the parties request that the Board dismiss with prejudice this matter.

**DECISION**

The Board dismisses with prejudice this appeal.

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**JOSEPH A. VERGILIO**  
Administrative Judge

Concurring:

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**EDWARD HOURY**  
Administrative Judge

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**ANNE W. WESTBROOK**  
Administrative Judge

**Issued at Washington, D.C.**  
**April 11, 2000**