

HI-RIDGE LUMBER COMPANY,

) **AGBCA No. 99-102-1**

Appellant)

Representing the Appellant:)

Scott W. Horngren)
Haglund & Kirtley LLP)
Attorneys At Law)
101 S.W. Main, Suite 1800)
Portland, Oregon 97204-3226)

Representing the Government:)

James L. Rosen)
Office of the General Counsel)
U. S. Department of Agriculture)
33 New Montgomery, 17th Floor)
San Francisco, California 94105-4511)

DECISION OF THE BOARD OF CONTRACT APPEALS

December 1, 1998

OPINION BY ADMINISTRATIVE JUDGE EDWARD HOURY

This appeal arose under Contract No. 054881, between the Forest Service, U. S. Department of Agriculture, and Hi-Ridge Lumber Company of Yreka, California (Appellant). The contract was known as the Mud Thinning Timber Sale, on the Shasta-Trinity National Forest in California.

The Forest Service represented that Payment Unit Number 2 of the sale included 592 acres. Appellant contended that this area included only 394 acres and that there was a comparable reduction in the timber volume available. The Contracting Officer had the area remeasured, concluding in a September 28, 1998 decision that the area included 429 acres. Appellant filed a timely appeal of this decision.

On October 14, 1998, the Board docketed Appellant's appeal and requested the filing of a Complaint

within 30 days from the receipt of the Board's letter. By facsimile letter dated November 17, 1998, Appellant advised the Board as follows:

After meeting with the Forest Service to discuss our concerns and evaluate the calculation of the payment unit area and additional field work, Hi-Ridge Lumber Company is withdrawing its appeal.

DECISION

The appeal is dismissed.

EDWARD HOURY
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
December 1, 1998