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|--------------------------------------|---|-----------------------------|
| <b>REX, INC.,</b>                    | ) | <b>AGBCA No. 2001-114-1</b> |
|                                      | ) |                             |
| Appellant                            | ) |                             |
|                                      | ) |                             |
| <b>Representing the Appellant:</b>   | ) |                             |
|                                      | ) |                             |
| E. Barry Bridgforth                  | ) |                             |
| Henry, Barbour, Decell & Bridgforth) | ) |                             |
| Attorneys at Law                     | ) |                             |
| P. O. Box 1569                       | ) |                             |
| Yazoo City, Mississippi 39194        | ) |                             |
|                                      | ) |                             |
| <b>Representing the Government:</b>  | ) |                             |
|                                      | ) |                             |
| Marilyn J. Brown                     | ) |                             |
| Office of the General Counsel        | ) |                             |
| U. S. Department of Agriculture      | ) |                             |
| 3201 Federal Building                | ) |                             |
| 700 West Capitol Avenue              | ) |                             |
| Little Rock, Arkansas 72201          | ) |                             |

**DECISION OF THE BOARD OF CONTRACT APPEALS**

\_\_\_\_\_  
April 23, 2001

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

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

This appeal, received at the Board on December 18, 2000, arose out of Timber Sale Contract No. 303029 entered into between Rex, Inc. (Appellant), of Yazoo City, Mississippi, and the U. S. Forest Service Southern Region (R8), Delta National Forest, Mississippi, an agency of the U. S. Department of Agriculture (Respondent or Forest Service) on October 13, 1998. Appellant appealed from the Contracting Officer's September 21, 2000 decision denying its claim for \$114,000. Appellant alleged entitlement to \$114,000 claimed to be the difference between amount of timber volume cut as compared to volume estimated in the timber sale contract.

The Board has jurisdiction over this timely appeal pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613, as amended. After docketing, Appellant requested a 30-day extension of time until February 23, 2001, in which to file a Complaint. Appellant failed to file a Complaint by the

extended deadline. On March 28, 2001, the Board issued an Order to Show Cause why the appeal should not be dismissed for failure to prosecute. Appellant was afforded 10 days in which to make such a showing. In an April 4, 2001 letter received at the Board April 9, 2001, Appellant asked that the appeal be dismissed.

**DECISION**

Pursuant to the Board's Order to Show Cause and to Appellant's request for dismissal, the appeal is hereby dismissed with prejudice.

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**ANNE W. WESTBROOK**  
Administrative Judge

**Concurring:**

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**EDWARD HOURY**  
Administrative Judge

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**JOSEPH A. VERGILIO**  
Administrative Judge

**Issued at Washington, D.C.**  
**April 23, 2001**