

DONALD WATTERS,)	AGBCA No. 98-185-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Donald Watters)	
HC 85, Box 289)	
Stearns, Kentucky 42647)	
)	
Representing the Government:)	
)	
Jay McWhirter)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
1718 Peachtree Road, NW, Suite 576)	
Atlanta, Georgia 30309-2409)	

DECISION OF THE BOARD OF CONTRACT APPEALS

 March 5, 1999

OPINION BY ADMINISTRATIVE JUDGE JOSEPH A. VERGILIO

On July 27, 1998, Donald Watters (Appellant) of Stearns, Kentucky, filed this appeal with the Board, concerning the Angel Mountain North II Timber Sale contract, No. 7146, with the U. S. Department of Agriculture, Forest Service (Respondent or Government). The contract required work within the Daniel Boone National Forest, Stearns Ranger District, McCreary and Whitley Counties, Kentucky. The Government terminated a portion of the contract. Watters filed a claim to recover \$281,516.14-- said to be its costs to acquire the sale, lost profits, interest, costs for equipment and crew down time, investment losses on special equipment (a cable yarder), and replacement costs for the timber. The Contracting Officer (CO) granted in part and denied in part the claim. Watters here initially sought to recover \$280,605.70.

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

The Board and parties met in London, Kentucky, on February 23-24, 1999. With the Board's assistance, this dispute was settled upon the following terms. The Government offered, and Watters accepted, \$33,374.01, to resolve the matter. The Government promptly is to pay this lump sum, which reflects full and final settlement; no separate amount will be sought for interest under the CDA or for legal fees under the Equal Access to Justice Act (EAJA). Neither party will appeal this Board's decision which is final. The amount may be paid under the judgment fund, with the agency thereafter reimbursing the fund.

DECISION

In accordance with the settlement and stipulated judgment, the Board awards Donald Watters \$33,374.01; the agency may pay the amount utilizing the judgment fund, with the agency thereafter reimbursing the fund. 41 U.S.C. § 612.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

EDWARD HOURY

Administrative Judge

HOWARD A. POLLACK

Administrative Judge

Issued at Washington, D.C.

March 5, 1999