

FRED WINEGAR,)	AGBCA No. 98-113-1
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Appellant)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

August 19, 1999

OPINION BY ADMINISTRATIVE JUDGE ANNE W. WESTBROOK

The Board received this appeal November 26, 1997. It arises out of Contract No. 50-04KK-5-90 between the U. S. Department of Agriculture, Forest Service, and Fred Winegar (Appellant) of Prairie City, Oregon. The contract was to construct a 50-foot lookout tower in the Malheur National Forest in Oregon. This appeal is from the Contracting Officer's August 26, 1997 decision to terminate the contract for default. The Government terminated the contract on grounds that Appellant failed to provide an acceptable plan for correcting existing deficiencies and maintaining an adequate quality control system.

The Board has jurisdiction under the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613, as amended.

After docketing, the Board held several telephonic conferences with the parties. The parties also asked for several extensions for the purpose of settlement discussions. Finally a hearing date was set. Thereafter, the parties notified the Board that a settlement had been reached. The Board has now received a copy of a Notice of Settlement and Dismissal signed by counsel for both parties requesting dismissal 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.
August 19, 1999