

<b>JOHN R. WOOD TRUCKING, INC.,</b>	)	<b>AGBCA No. 2004-152-1</b>
	)	
Appellant	)	
	)	
<b>Appearing for the Appellant:</b>	)	
	)	
Michael J. Bird, Esquire	)	
Brown, Hughes, Bird, Rote,	)	
Wetmore & Brouhard, LLP	)	
P. O. Box 10	)	
Grants Pass, Oregon 97528-0001	)	
	)	
<b>Appearing for the Government:</b>	)	
	)	
Mary E. Sajna, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
1734 Federal Building	)	
1220 S.W. Third Avenue,	)	
Portland, Oregon 97204-2835)	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

**September 7, 2004**

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

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

This appeal arises out of Contract No. 000324, North End Deck II Timber Sale, Siskiyou National Forest, Oregon, between John R. Wood Trucking, Inc. of Grants Pass, Oregon, and the U. S. Department of Agriculture, Forest Service (FS). The appeal is from a final decision of the Contracting Officer (CO) dated January 12, 2004, denying contractor claims of \$44,714.14. The amount claimed was subsequently revised upward. The Board docketed the matter April 14, 2004.

The Board has jurisdiction over the timely-filed appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA).

Initially, Appellant proceeded pro se. On April 27, 2004, the Board held a telephone conference with Appellant and counsel for the FS. During that conference, the Board raised the possibility of the parties engaging in some form of mediation/neutral evaluation.

By letter of June 8, 2004, the Board was notified of the retention of counsel by Appellant. The mediation conference was scheduled for July 20, 2004. On July 9, 2004, the Board held a telephone conference with Appellant, its counsel and FS counsel. The Board reviewed the planned procedure for the conference and responded to some concerns raised by Appellant.

The mediation conference was held on July 20, 2004. After engaging in discussions the parties reached a settlement.

On August 23, 2004, the Board received written confirmation of settlement. Attached was a Settlement Agreement signed by Appellant and the CO wherein the FS agreed to pay \$12,000 in settlement of the claims relating to the North Deck II timber sale contract, and Wood agreed to request dismissal of its claims. The above was countersigned as to form by counsel for Wood.

**DECISION**

The parties have agreed to a settlement. Accordingly, the appeal is dismissed with prejudice.

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**HOWARD A. POLLACK**  
Administrative Judge

**Concurring:**

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**JOSEPH A. VERGILIO**  
Administrative Judge

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**ANNE W. WESTBROOK**  
Administrative Judge

**Issued at Washington, D.C.**  
**September 7, 2004**