

<b>YATES PAVING &amp; GRADING COMPANY, INC.,</b>	)	<b>AGBCA No. 1999-188-3</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
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	)	
<b>Representing the Government:</b>	)	
	)	
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**DECISION OF THE BOARD OF CONTRACT APPEALS**

February 14, 2000

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

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

On August 5, 1999, Yates Paving & Grading Company, Inc. of Pooler, Georgia (contractor), filed this appeal with the Board. The respondent is the U. S. Department of Agriculture, Natural Resources Conservation Service (Government). The underlying contract, No. 50-4310-8-382, required land rehabilitation at Small Arms Firing Point One, Fort Stewart Military Base, Liberty County, Georgia, including road construction and related work.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613, as amended. In its notice of appeal, received by the Board on August 9, 1999, the contractor elected the accelerated procedures. 41 U.S.C. § 607(f); Rule 12. Thereafter, the parties agreed to engage in a settlement session with the presiding judge held on January 21, 2000, in Atlanta, Georgia. The parties were unable to settle the dispute. However, the parties agreed to submit the case to the presiding judge for a binding determination, based upon the record and information provided during the settlement session. The parties agreed that the determination will not be appealed, and that with the issuance of the determination, the Board is to dismiss with prejudice the underlying dispute. 41 U.S.C. § 605(d).

On February 14, 2000, the presiding judge issued the determination, concluding that the contractor is entitled to no recovery.

**DECISION**

Pursuant to the agreement of the parties, the Board dismisses with prejudice this appeal.

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**JOSEPH A. VERGILIO**

Administrative Judge

Concurring:

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**EDWARD HOURY**

Administrative Judge

**Issued at Washington, D.C.**

**February 14, 2000**