

AMERICAN AGRI-BUSINESS)	AGBCA No. 2003-101-F
INSURANCE COMPANY,)	
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AMERICAN AGRICULTURAL)	AGBCA No. 2003-102-F
INSURANCE COMPANY,)	
)	
AMERICAN GROWERS)	AGBCA No. 2003-103-F
INSURANCE COMPANY,)	
)	
CIGNA PROPERTY AND CASUALTY)	AGBCA No. 2003-104-F
INSURANCE COMPANY,)	
)	
FARMERS ALLIANCE MUTUAL)	AGBCA No. 2003-105-F
INSURANCE COMPANY,)	
)	
FIREMAN'S FUND INSURANCE CO.,)	AGBCA No. 2003-106-F
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GREAT AMERICAN INSURANCE CO.,)	AGBCA No. 2003-107-F
)	
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HARTFORD FIRE INSURANCE CO.,)	AGBCA No. 2003-108-F
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IGF INSURANCE CO.,)	AGBCA No. 2003-109-F
)	
)	
NAU COUNTY INSURANCE COMPANY,)	AGBCA No. 2003-110-F
)	
)	
RURAL COMMUNITY)	AGBCA No. 2003-111-F
INSURANCE COMPANY,)	
)	
THE ALLIANCE INSURANCE COMPANY,)	AGBCA No. 2003-112-F
(1999 Crop Year Duram Wheat))	
)	
Appellants)	
)	
Representing the Appellants:)	
)	
P. John Owen, Esquire)	
National Crop Insurance Services, Inc.)	
7201 West 129th Street, Suite 200)	
Overland Park, Kansas 66213)	
)	
Representing the Government:)	

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DECISION OF THE BOARD OF CONTRACT APPEALS

October 27, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On September 27, 2002, the Board received the underlying notice of appeal and complaint, naming as appellants American Agri-Business Insurance Company, of Robinson, Illinois (AGBCA No. 2003-101-F); American Agricultural Insurance Company, of Park Ridge, Illinois (AGBCA No. 2003-102-F); American Growers Insurance Company, of Council Bluffs, Iowa (AGBCA No. 2003-103-F); Cigna Property and Casualty Insurance Company, of Johnston, Iowa (AGBCA No. 2003-104-F); Farmers Alliance Mutual Insurance Company, of McPherson, Kansas (AGBCA No. 2003-105-F); Fireman’s Fund Insurance Co., of Novato, California (AGBCA No. 2003-106-F); Great American Insurance Co., of Cincinnati, Ohio (AGBCA No. 2003-107-F); Hartford Fire Insurance Co., of Hartford, Connecticut (AGBCA No. 2003-108-F); IGF Insurance, Inc., of Urbandale, Iowa (AGBCA No. 2003-109-F); NAU County Insurance Company, of Fargo, North Dakota (AGBCA No. 2003-110-F); Rural Community Insurance Company, of Anoka, Minnesota (AGBCA No. 2003-111-F); and The Alliance Insurance Company, of McPherson, Kansas (AGBCA No. 2003-112-F), and as the defendant, the Federal Crop Insurance Corporation (FCIC) of the U.S. Department of Agriculture. In the complaint, the insurance companies seek damages in the amount of approximately \$498,000 plus interest arising from what they allege to be (a) unlawful actions of the FCIC, (b) breaches by FCIC of the Standard Reinsurance Agreements (SRAs) entered into between the parties for the 1998 through 2002 reinsurance years, and (c) errors and omissions of FCIC with respect to which the insurance companies are entitled to receive indemnification.

The insurance companies maintain that the Board has jurisdiction over these matters pursuant to regulation, 7 CFR 24.4(b), 400.169. Following an initial telephone conference, the submission of the appeal file, a supplement, and an answer, the parties engaged in discovery. Thereafter, in a notice of dismissal, received at the Board on October 21, 2003, the insurance companies state that the parties have compromised and settled all claims asserted in these matters, with each side to bear its own costs, expenses and attorney fees. The insurance companies seek a dismissal with prejudice.

DECISION

The Board dismisses with prejudice these appeals.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
October 27, 2003