

BEARCAT LOGGING,)	AGBCA No. 2001-134-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
J.W. Burbank)	
Bearcat Logging)	
P.O. Box 790076)	
Vernal, Utah 84079)	
)	
Representing the Government:)	
)	
Elise Foster)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
507 25th Street, Room 205)	
Ogden, Utah 84401-2310)	

DECISION OF THE BOARD OF CONTRACT APPEALS

March 8, 2001

Before HOURY, POLLACK, and VERGILIO, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On February 16, 2001, the Board received a notice of appeal filed by Bearcat Logging of Vernal, Utah, the purchaser of the Lodgepole Cubic 3 timber sale, contract No. 013107, apparently in the Ashley National Forest, Utah. The purchaser disputes the termination for default of its contract with the respondent, the U. S. Department of Agriculture, Forest Service. Contending that the default is improper given the inaccurate acreage and quantity of timber in the sale, the purchaser seeks the cancellation of the default and a re-evaluation of the sale.

The purchaser relies upon this Board's jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended. After the filing of the contracting officer's disputed decision and a notice of appearance by Government counsel, but prior to the initial telephone conference (scheduled for March 8), the Board received a letter from the purchaser on March 6. The purchaser states that it has reached an agreement with the Government; it withdraws the appeal.

DECISION

In accordance with the request of the purchaser, the Board dismisses this appeal.

JOSEPH A. VERGILIO
Administrative Judge

We concur:

EDWARD HOURY
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
March 8, 2001