

**BOGHOSIAN RAISIN PACKING CO., INC., )**

**AGBCA No. 2003-122-1**

Appellant )

**Representing the Appellant:** )

Thomas K. Stuart )

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**Representing the Government:** )

Michael Gurwitz, Esquire )

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**DECISION OF THE BOARD OF CONTRACT APPEALS**

February 25, 2003

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

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

On November 14, 2002, the Board received this appeal filed by Boghosian Raisin Packing Co., Inc. of Fowler, California (contractor). Boghosian had a contract, No. 120212175, with the respondent, the U. S. Department of Agriculture, Agricultural Marketing Service, to supply raisins. The contracting officer both denied a contractor request for an extension of time to complete raisin deliveries and assessed liquidated damages totaling \$1,952.64 for eleven late-delivered orders. The contractor here appeals that decision, as it maintains that a breakdown of its packing equipment served as an excusable delay.

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

The Government filed and served the appeal file. A complaint, answer, and other materials were exchanged, including cases deemed applicable by Government counsel. During telephone conferences with the Board and parties, discussions focused upon the underlying facts and case law. During such a conference on February 25, 2003, the contractor stated that it sought to withdraw the appeal with prejudice, such that the matter may be closed. The Government agreed to such a disposition.

**DECISION**

Based upon the requests of the parties, the Board dismisses with prejudice this appeal.

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**JOSEPH A. VERGILIO**  
Administrative Judge

Concurring:

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**HOWARD A. POLLACK**  
Administrative Judge

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**ANNE W. WESTBROOK**  
Administrative Judge

**Issued in Washington, D.C.**  
**February 25, 2003**