

BOISE CASCADE CORPORATION,

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AGBCA No. 2004-103-1

Appellant

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Representing the Appellant:

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Representing the Government:

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DECISION OF THE BOARD OF CONTRACT APPEALS

November 21, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion by Administrative Judge VERGILIO.

On October 24, 2003, the Board received this appeal filed by Boise Cascade Corporation, of Boise, Oregon (purchaser). The respondent is the U. S. Department of Agriculture, Forest Service (Government). Following a suspension of operations, resulting from a court order, this purchaser on the Tin Can Timber Sale contract, No. 075847, in the Glacier Ranger District of the Siskiyou National Forest, Oregon, seeks payment of \$36,621 under the contract and a mutual cancellation of the contract.

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

On November 17, 2003, the Board received from the parties a settlement agreement and stipulation for consent judgment. The parties have settled all matters involving the underlying contract, including any claims for costs or attorney fees, by mutual cancellation of the contract and payment

of \$36,621 from the Government to the purchaser. The purchaser will be compensated by payment of \$3,166 directly from the Forest Service to reimburse the purchaser for the down payment, and by payment of \$33,455, plus interest on this amount from the Judgment Fund, as provided by the CDA, 41 U.S.C. § 612, from July 1, 2003, until paid. Each party agrees that it will not seek reconsideration, and will not file an appeal, of this decision.

DECISION

The Board grants the appeal. The underlying contract is to be cancelled. The Forest Service is to reimburse the purchaser \$3,166. In addition, the Government is to pay the purchaser \$33,455, plus interest from July 1, 2003, until paid, as provided in the CDA. By agreement of the parties, this represents a final decision; neither party will seek reconsideration or appeal the decision.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D.C.

November 21, 2003