

CAMP DIX WOOD PRODUCTS,)	AGBCA No. 98-183-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Justin B. Logan, President)	
Camp Dix Wood Products)	
Route 1, Box 100)	
Vanceburg, Kentucky 41179)	
)	
Representing the Government:)	
)	
Jay McWhirter)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
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Atlanta, Georgia 30309-2409)	

DECISION OF THE BOARD OF CONTRACT APPEALS

 March 5, 1999

OPINION BY ADMINISTRATIVE JUDGE JOSEPH A. VERGILIO

On July 9, 1998, Camp Dix Wood Products (Appellant) of Vanceburg, Kentucky, filed this appeal with the Board, concerning the Spaws Creek II Timber Sale contract, No. 7450, with the U. S. Department of Agriculture, Forest Service (Respondent or Government). The Government terminated the contract, which required work within the Daniel Boone National Forest, Morehead Ranger District, Menifee and Morgan Counties, Kentucky. Camp Dix filed a claim to recover, among other costs, the replacement costs of the timber pursuant to the contract terms. The Contracting Officer (CO) granted in part and denied in part the claim. Camp Dix filed an appeal to recover \$22,444.74, the amount disallowed by the CO.

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

The Board and parties met in London, Kentucky, on February 23-24, 1999. With the Board's assistance, this dispute was settled upon the following terms. The Government offered, and Camp Dix accepted, \$17,286.41, to resolve the matter. The Government promptly is to pay this lump sum, which reflects full and final settlement; no separate amount will be sought for interest under the CDA or for legal fees under the Equal Access to Justice Act (EAJA). Neither party will appeal this

Board's decision which is final. The amount may be paid under the judgment fund, with the agency thereafter reimbursing the fund.

DECISION

In accordance with the settlement and stipulated judgment, the Board awards Camp Dix \$17,286.41; the agency may pay the amount utilizing the judgment fund, with the agency thereafter reimbursing the fund. 41 U.S.C. § 612.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
March 5, 1999