

CROMAN CORPORATION,)	AGBCA No. 2000-145-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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)	
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)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

March 22, 2001

Before HOURY, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On March 27, 2000, Croman Corporation of White City, Oregon (purchaser), filed this appeal with the Board, involving its Trail Creek timber sale contract, No. 02-002786, with timber located in the Intermountain Region, Boise National Forest, Lowman Ranger District, Idaho. The respondent, the U. S. Department of Agriculture, Forest Service, awarded the contract on October 12, 1989. The purchaser maintains that the Government breached the timber sale contract by modifying the sale (i.e., the purchaser asserts that the Government prohibited the purchaser from cutting trees which had been designated as included in the sale) without the prior consultation and mutual agreement of the purchaser.

The purchaser submitted a claim seeking to recover \$1,498,263.80. The contracting officer concluded that the alleged Government breach did not occur, and denied that portion of the claim (\$1,478,263.80). The contracting officer sustained in part the claim for reimbursement of \$20,000

deposited for remarking trees, and paid the purchaser \$4,460.23. The purchaser here seeks to recover the sum denied (with a rounding difference of 3 cents), \$1,493,803.60.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613, as amended. After an initial telephone conference, the submission of an appeal file, complaint, and answer, the parties engaged in settlement discussions.

On March 19, 2001, the Board received a letter from the purchaser, stating that the parties have reached a negotiated settlement. The purchaser moves for a dismissal with prejudice of the appeal.

DECISION

Pursuant to the request of the purchaser, the Board dismisses with prejudice this appeal.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
March 22, 2001