

DARST ATHERLY CONTRACTING,)	AGBCA No. 98-167-2
)	
Appellant)	
)	
Appearing for the Appellant:)	
)	
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)	
Appearing for the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

November 25, 1998

OPINION BY ADMINISTRATIVE JUDGE HOWARD A. POLLACK

This appeal arose under Contract No. 53-04GG-7-2062 between the Forest Service (FS), U. S. Department of Agriculture, and Darst Atherly Contracting, of Bend, Oregon (Appellant). The contract, in the sum of \$51,157.75, was for precommercial tree thinning and slash treatment on the Deschutes National Forest, Crescent Ranger District in Bend, Oregon. Appellant submitted a claim for \$5,883.14 for costs associated with it having to cut live limbs which originated below ground. The Contracting Officer denied this claim by decision dated February 5, 1998.

Appellant filed a timely appeal which was docketed by the Board on May 5, 1998. Appellant, at the time of filing, elected the Board's Expedited Procedure, 7 CFR § 24.21, Rule 12.2, requiring a decision within 120 days of the election, and allowing for a decision by one Administrative Judge. The target date for a decision was August 28, 1998.

The Complaint, Answer, and Appeal File were filed with the Board. A hearing was held August 18, 1998, in Bend, Oregon. A settlement agreement was reached at the hearing. The terms and conditions of the agreement were set out in the transcript of the hearing.

DECISION

The appeal is dismissed as settled.

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D. C.
November 25, 1998