

FOREST PRODUCTS, INC.,)	AGBCA No. 98-180-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
W. J. Robinson, President)	
Forest Products, Inc.)	
P.O. Box 541)	
Corbin, Kentucky 40702)	
)	
Representing the Government:)	
)	
Jay McWhirter)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
1718 Peachtree Road, NW, Suite 576)	
Atlanta, Georgia 30309-2409)	

DECISION OF THE BOARD OF CONTRACT APPEALS

 March 5, 1999

OPINION BY ADMINISTRATIVE JUDGE JOSEPH A. VERGILIO

On June 15, 1998, Forest Products, Inc. (Appellant) of Corbin, Kentucky, filed this appeal with the Board, concerning the Stephens Knob Timber Sale contract, No. 7302, with the U. S. Department of Agriculture, Forest Service (Respondent or Government). The Government terminated a portion of the contract, which required work within the Daniel Boone National Forest, Stearns Ranger District, McCreary County, Kentucky. Forest Products filed a claim to recover costs to acquire and monitor the sale, lost profits, move-in/move-out costs, investment losses (costs to acquire and maintain a piece of equipment), and replacement costs of timber. The Contracting Officer granted in part and denied in part the claim. Forest Products here seeks to recover \$131,070.69.

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, 1999. Forest Products did not pursue its claim for lost profits. With the Board's assistance, this dispute was settled upon the following terms. The Government offered, and Forest Products accepted, \$61,287, to resolve the matter. The Government promptly is to pay the 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 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 Forest Products \$61,287; 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