

RAIN AND HAIL INSURANCE SERVICE, INC.)	AGBCA No. 99-124-F
and RAIN AND HAIL L.L.C.,)	
(Round Mountain Orchards, Inc. -- MGR 93-020))	
)	
Appellants)	
)	
Representing the Appellants:)	
)	
Frank W. Pechacek, Jr.)	
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)	
Representing the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

 July 16, 1999

OPINION BY ADMINISTRATIVE JUDGE JOSEPH A. VERGILIO

On January 5, 1999, the Board received this appeal from Rain and Hail Insurance Service, Inc. (RHIS) and Rain and Hail, L.L.C. (R&H) (Appellants¹), of West Des Moines, Iowa, involving the U. S. Department of Agriculture, Federal Crop Insurance Corporation (FCIC). Relying upon a Standard Reinsurance Agreement (SRA), RHIS provided insurance to individuals for the 1995 crop year. The SRA represents a cooperative financial assistance agreement to deliver multiple peril crop insurance under the authority of the Federal Crop Insurance Act, as amended, 7 U.S.C. §§ 1501 *et*

¹ RHIS asserts that pursuant to a plan of reorganization approved and adopted by RHIS shareholders, R&H replaced RHIS as the operational entity responsible for the underlying contract, effective May 1, 1996 (Complaint at 2 (¶ 5)). Hence, the dual appellants, to which the Government has not objected.

seq. (Act). The Appellants defended a suit brought by Round Mountain Orchards, Inc. and the insured, on whose behalf Round Mountain filed the suit. The suit is said to have involved the SRA and the 1995 and 1996 crop years. The Appellants claim entitlement to \$33,867.80 as litigation expenses recoverable under the terms of Bulletin MGR 93-020, the 1995 SRA, and/or the Act. The Government denied the request. The Appellants seek to recover that amount through this appeal.

Consistent with a decision by this Board, Rain & Hail Insurance Service, Inc., AGBCA No. 97-143-F, 97-2 BCA ¶ 29,111, the Appellants ask the Board to resolve this timely-filed matter (7 C.F.R. §§ 24.4(b), 400.169(a)-(d)). Following the closing of the evidentiary record, and prior to the submission of briefs, the Appellants have requested that the Board dismiss this matter. The Appellants have agreed to a dismissal in conjunction with other settlement negotiations with the FCIC.

DECISION

In light of the request by the Appellants, the Board dismisses with prejudice this matter.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
July 16, 1999