

RAIN AND HAIL INSURANCE SERVICE, INC.)	AGBCA No. 99-126-F
(J. W. Thompson, Jr.),)	
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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Attorney at Law)	
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)	
Representing the Government:)	
)	
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Little Rock, Arkansas 72201)	

DECISION OF THE BOARD OF CONTRACT APPEALS

March 2, 1999

OPINION BY ADMINISTRATIVE JUDGE EDWARD HOURY

This appeal arose under a Standard Reinsurance Agreement (SRA) between the Federal Crop Insurance Corporation (FCIC), a wholly-owned Government corporation within the U. S. Department of Agriculture, and Rain and Hail Insurance Service, Inc., of West Des Moines, Iowa (Appellant). Under the SRA Appellant sells and administers Multi-Peril Crop Insurance (MPCI) policies in furtherance of the Government's crop insurance program. The appeal also relates to FCIC's Manager's Bulletin, MGR 93-020, which allows reinsurers such as Appellant to recoup certain litigation expenses incurred administering crop insurance policies, if conditions in MGR 93-020 are met.

The facts indicate that an insured¹ filed a claim for reimbursement for a crop loss allegedly caused by a chemical drift from an adjoining plantation. Appellant concluded that the crop loss was not the result of a chemical drift, or from an insurable cause, and refused to indemnify the insured. The insured sued Appellant and Appellant filed a claim with FCIC under MGR 93-020 for recoupment of litigation expenses.

Appellant appealed the failure of FCIC's Acting Director of Insurance to review FCIC's denial of Appellant's claim, within 60 days of receipt. The Board docketed the appeal. After the assignment of Government counsel, by letter dated February 4, 1999, Appellant requested that the appeal be dismissed.

DECISION

In accordance with Appellant's request the appeal is dismissed.

EDWARD HOURY
Administrative Judge

Concurring:

JOSEPH A. VERGILIO
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
March 2, 1999

¹The insured was J. W. Thompson, Jr.