

<b>RAIN AND HAIL INSURANCE SERVICE, INC.</b>	)	<b>AGBCA No. 99-127-F</b>
<b>(Carol Sprau),</b>	)	
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
Bruce B. Green	)	
Attorney at Law	)	
Willson & Pechacek, P.L.C.	)	
P.O. Box 2029	)	
Council Bluffs, Iowa 51502	)	
	)	
<b>Representing the Government:</b>	)	
	)	
Dennis D. Perri	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
Room 2920	)	
230 South Dearborn	)	
Chicago, Illinois 60604	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

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 March 2, 1999  
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**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 insured<sup>1</sup> filed a claim for corn and soybean crop losses allegedly caused by adverse weather. Appellant concluded that the crop loss was not the result of adverse weather, but the result of the insured's failure to follow "recognized good farming practices, including the control of weeds." Appellant refused to indemnify the insured. The insured sought to arbitrate the dispute and Appellant claimed reimbursement for litigation expenses under MGR 93-020.

Appellant appealed the failure of FCIC's Deputy Administrator of Insurance Services 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 11, 1999, Appellant requested that the appeal be dismissed.

**DECISION**

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

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**EDWARD HOURY**  
Administrative Judge

**Concurring:**

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**JOSEPH A. VERGILIO**  
Administrative Judge

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**ANNE W. WESTBROOK**  
Administrative Judge

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

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<sup>1</sup>The insured was Carol Sprau.