

REYNOLDS BROTHERS LUMBER, INC.,)	AGBCA No. 2002-101-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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)	
Representing the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

October 24, 2002

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Contract No. 043261, Shiloh Timber Sale, between Reynolds Brothers Lumber, Inc. (Appellant) of Ellsinore, Missouri, and the U. S. Department of Agriculture, Forest Service (FS), Mark Twain National Forest, Doniphan, Missouri. Appellant sought \$19,924 for 127.7 MBF of uncut timber. Appellant also sought to be reimbursed \$635 for a tree count he conducted and sought compensation on his money due to investments over time. Essentially the claim was for undercounting by the FS. In the Contracting Officer's decision of July 5, 2001, the FS did not acknowledge an error in the estimate and referenced various disclaimer clauses dealing with reliance on estimates. Further, the FS defended on the basis that even if there were an undercount, the contract specified the basis upon which incorrect estimates could be corrected and the claim here met none of those standards. On October 2, 2001, Appellant filed a timely appeal, and the matter was thereafter docketed with the Board.

The Board has jurisdiction to decide this timely-filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. ' ' 601-613, as amended.

The parties filed pleadings. Thereafter, by facsimile dated June 21, 2002, the parties notified the

Board that they had reached an agreement. The parties provided the Board with the agreement under which Appellant, in consideration of settlement, agreed to dismiss the appeal with prejudice.

DECISION

The parties have reached a settlement in this matter. The appeal is dismissed with prejudice.

HOWARD A. POLLACK
Administrative Judge

Concurring:

JOSEPH A. VERGILIO
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
October 24, 2002.