

<b>RURAL COMMUNITY</b>	)	<b>AGBCA No. 2003-170-F</b>
<b>INSURANCE SERVICES,</b>	)	
(bulletin MGR-98-031)	)	
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
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	)	
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	)	
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**RULING OF THE BOARD OF CONTRACT APPEALS**

\_\_\_\_\_  
January 22, 2004

**Before POLLACK, VERGILIO (presiding), and WESTBROOK, Administrative Judges.  
Opinion for the Board by Judge POLLACK; dissenting opinion by Judge VERGILIO.**

**Opinion by Administrative Judge POLLACK.**

On May 12, 2003, the Board received a notice of appeal from Rural Community Insurance Services of Minneapolis, Minnesota (the insurance company). Regarding a lawsuit brought by two insureds, the insurance company had sought financial litigation assistance under bulletin MGR-98-031 from the U.S. Department of Agriculture, Risk Management Agency (RMA) (which is said to administer and oversee all programs authorized under the Federal Crop Insurance Corporation (FCIC)). After conditionally accepting the request, the RMA denied the request. Disputing the determination, the insurance company submitted the matter for reconsideration to the Deputy Administrator of Insurance Services, who denied the request. The insurance company filed this appeal, contesting that denial. The Government filed a motion to dismiss for lack of jurisdiction, to which the insurance company responded.

This day the Board issued a ruling denying a Government motion to dismiss for lack of jurisdiction a companion case, AGBCA No. 2003-169-F. The findings of fact in that case are materially the same as in this matter. The arguments of the parties are identical in the two cases. The reasoning of the Board in resolving the instant motion can be found in the companion case.

Accordingly, the Board denies the Government motion to dismiss for lack of jurisdiction.

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**HOWARD A. POLLACK**

Administrative Judge

Concurring:

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**ANNE W. WESTBROOK**

Administrative Judge

**Opinion by Administrative Judge VERGILIO, dissenting.**

The dissenting opinion in the companion case equally applies here.

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**JOSEPH A. VERGILIO**

Administrative Judge

**Issued at Washington, D.C.**

**January 22, 2004**