

SCHOLL FIRE & FUELS MANAGEMENT, INC.,)	AGBCA No. 2004-140-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Richard M. Scholl, President)	
1215 Dakota Street)	
Scholl Fire & Fuels Management, Inc.)	
Walla Walla, Washington 99362)	
)	
Representing the Government:)	
)	
Mark D. Lodine, Esquire)	
Office of the General Counsel)	
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P.O. Box 7669)	
Missoula, Montana 59807)	

DECISION OF THE BOARD OF CONTRACT APPEALS

April 20, 2004

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

By letter dated February 16, 2004, Scholl Fire & Fuels Management, Inc., of Walla Walla, Washington (contractor), filed this appeal with the Board, involving the U.S. Department of Agriculture, Forest Service. In 2003, the contractor had provided equipment and services after accepting a dispatch order under its Emergency Equipment Rental Agreement, No. 56-04H1-3-004-330, at the Mineral Primm Fire in the Lolo National Forest in Montana. The contractor filed a claim to receive a total of \$5,000, as payment for the use of a third person on each of two fire engines. The contractor maintains that it provided the third person on each piece of equipment at the oral request of a Government employee. The contractor maintains that, at the time of check-in, the Government accepted the third persons. The contractor contends that the Government officials, including line supervisors, accepted the third persons, and signed shift tickets identifying the three-person crews. The contracting officer found that the resource orders did not request three-person crews and that the Government employee denied that he had ordered three-person crews. The contracting officer denied the claim. The contractor here appeals.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA). Following the submission of the appeal file, complaint, and answer, the parties engaged in informal discovery. On April 19, 2004, the Board received a joint stipulation for dismissal with prejudice. The parties have settled the dispute.

DECISION

Given the settlement of the dispute and the request of the parties, the Board dismisses with prejudice this appeal.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
April 20, 2004